

**Rotterdam Convention on the Prior
Informed Consent Procedure for
Certain Hazardous Chemicals and
Pesticides in International Trade**Distr.: General
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**Working group on enhancing the
effectiveness of the Rotterdam Convention****First meeting**

Riga, Latvia, 4–6 June 2018

Item 4 (a) of the provisional agenda*

**Recommendations for enhancing the
effectiveness of the Convention:
consideration of priority actions to
enhance the effectiveness of the Convention****Synthesis and compilation of comments on the report analysing
the legal and operational implications of the priority actions to
enhance the effectiveness of the Rotterdam Convention****Note by the Secretariat**

1. As referred to in the note by the Secretariat on the report analysing the legal and operational implications of the priority actions to enhance the effectiveness of the Rotterdam Convention (UNEP/FAO/RC/EFF.1/2), Parties and others were invited to comment on the aforementioned report between 15 January and 31 March 2018.
2. Annex I to the present note contains a synthesis of the comments provided. The comments are presented following the structure of the report analysing the legal and operational implications of the priority actions to enhance the effectiveness of the Rotterdam Convention. It is recommended that the report itself and the synthesis of comments are considered side by side.
3. Annex II contains a compilation of the comments as received.
4. The present note, including its annex, has not been formally edited.

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

Annex I

Synthesis of the comments submitted by Parties and others on the report analysing the legal and operational implications of the priority actions to enhance the effectiveness of the Rotterdam Convention

I. Introduction

1. By decision RC-8/8, the eighth meeting of the Conference of the Parties to the Rotterdam Convention (COP-8) invited Parties to submit information, through an online survey, 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 priority actions received from Parties. The report was to be made available to Parties and others for comments between 15 January and 31 March 2018.

2. As of 24 April 2018, the Secretariat received 29 responses to the survey, representing 52 member States,² and 4 observers to the Convention.

3. Among the Party States, 34 are from developed countries (OECD and European Union (EU) member States) and 18 from developing countries or countries with economies in transition (Africa 4, Asia and Pacific 5, Central and Eastern Europe 4, Latin America and the Caribbean 5). There were no responses from small island developing States. The response rate among Parties was 33%.³ The following table summarizes the level of response of Parties per region based on the number of Parties in each region:

Africa	4 out of 47 Parties	Burkina Faso, Democratic Republic of the Congo, Ghana and Swaziland
Asia-Pacific	8 out of 38 Parties (includes 1 as coordinated response through the EU)	Australia, India, Iraq, Jordan, Lao People's Democratic Republic, New Zealand and Philippines. As coordinated response through the EU: Cyprus.
Central and Eastern Europe and Central Asia	15 out of 22 Parties (includes 11 as coordinated response through the EU)	Albania, Georgia, Russian Federation and Serbia. As coordinated response through the EU: Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia.
Latin America and Caribbean	6 out of 28 Parties	Argentina, Colombia, Ecuador, Mexico, Paraguay and Suriname.
Western Europe and Others	19 out of 23 Parties (includes 16 as coordinated response through the EU)	Canada, Switzerland and Norway. As coordinated response through the EU: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland.

4. The comments summarized below follow the structure of the report analysing the legal and operational implications of the priority actions to enhance the effectiveness of the Rotterdam Convention. The priority action "ref." numbers can be found in the first column of the table in part II of the afore-mentioned report (pages 7-41).

² The European Union presented comments on behalf of its 28 member States.

³ As of 24 April 2018, 158 States and the European Union were Parties to the Rotterdam Convention.

II. General comments

5. Several Parties submitted proposals for the discussions of the priority actions at the meeting of the intersessional working group in Riga, Latvia, from 4-6 June 2018. One Party (Switzerland) suggested the discussions at that meeting focus on proposed actions to amend the decision-making process for listing chemicals, followed by those actions that take a synergistic approach on implementing the chemicals and waste conventions. A group of Parties (EU and its member States) proposed that the consequences of the proposals to amend the Convention should be discussed at the meeting of the intersessional working group. Another Party (Russia) deemed the consideration of proposals to amend the Convention, its annexes or introduce a voluntary Prior Informed Consent (PIC) procedure as inappropriate and proposed to focus the attention of the intersessional working group on actions to enhance the process of drafting and adoption of recommendations and draft decision guidance documents by the Chemical Review Committee.

6. One Party (Mexico) underscored the importance of prioritizing the activities and suggested that the report of the intersessional working group presenting prioritized actions to the Conference of the Parties be published well in advance of the meeting of the Conference of the Parties in order to allow Parties to submit comments and facilitate its adoption by the Conference.

7. One Party (Australia) suggested comparing against effectiveness practices in related conventions to see if there are ways of keeping the Convention effective and enabling improved information flows. One observer (United States of America) proposed that an effectiveness evaluation could examine the quality of information exchanged, the number of Parties notifying regulatory actions, the awareness of the potential negative impacts on human health and the environment of certain chemicals, regional coordination activities and engagement of a wide range of countries and Parties.

8. Two Parties (Australia, Mexico) suggested analyzing which of the proposed activities were for implementation at the country level and which were specific to all Party countries to the Convention. One of them (Australia) proposed that the intersessional working group examine further the options for enhancing the effectiveness of the Convention that are for international implementation. The Party further recommended that priority actions be considered in logical groupings.

9. Three Parties (Colombia, New Zealand and Norway) commented on the importance of ensuring the involvement of a broad range of Parties, in particular developing countries, in the discussions on enhancing the effectiveness of the Rotterdam Convention, in order to be informed what would make the Convention more valuable to them. If such input was not provided in response to the online survey on priority actions to enhance the effectiveness of the Convention and key information gaps related to such actions, such information could be actively pursued, for example through the Secretariat. Another Party (Mexico) pointed out that only 32% of Parties had participated in the survey. One Party (New Zealand) noted that no small island developing States had responded to the survey and recommended the Secretariat consider ways of including their views.

10. One observer (International Chrysotile Association) regretted that observers had not been allowed to participate further in the intersessional work, including the survey and at the face-to-face meeting of the working group in Riga in June 2018 and requested that non-Party States and observers be fully included in any discussions on legal and operational implications of proposals to amend the decision-making process for listing chemicals.

III. Category A: The listing process

11. One Party (Russia) indicated that in order to justify the adoption of final regulatory actions and improve the quality of notifications, as well as the quality of consideration of issues at the Chemical Review Committee level, not only general information from the Secretariat and international organizations should be considered in the listing process, but all data available using modern information search instruments, in particular scientific data on possible effects of substances on human health and the environment and objective information on socio-economic effects of decisions and the availability of accessible alternatives.

Section 1. Actions to improve the adoption of final regulatory actions

12. On actions to improve the adoption of final regulatory actions, one Party (Colombia) proposed that the Secretariat circulate information on notifications of final regulatory actions adopted to all Parties once it is received, rather than a summary only every six months through the PIC Circular.

13. Another Party (Canada) pointed out that priority action ref. 111 on doing a survey to collect information on health and environmental reasons that triggered the final regulatory action, as well as

the national situation of the chemical, might be a proposal for the Secretariat to collect additional information, similarly to the information collected by the Secretariat when proposals for listing Severely Hazardous Pesticide Formulations are received.

14. A group of Parties (EU and its member States) underscored the importance of Parties improving their capacity in risk evaluation and using internationally available information for national decision-making in order to optimise the use of resources and improve the scientific basis of decision-making.

15. Several Parties (Australia, Colombia, India) highlighted the importance of technical assistance from the Secretariat for doing risk evaluations and adopting final regulatory actions. One Party (India) supported proposals to develop a guidance document on bridging information (priority action ref. 114) and methodologies for risk evaluation, and additionally proposed a training component with hands-on experience on risk evaluations.

16. One observer (United States of America) highlighted that consideration should be given to better utilize information exchange and technical assistance mechanisms to develop knowledge and expertise of Parties and stakeholders in reviewing information to support the adoption of final regulatory actions and their subsequent notification. Education, training and improving the availability of information are some of the suggestions made. The observer also supported the proposals on using Articles 14 and 16 to share information and develop necessary knowledge and expertise, suggesting furthermore consideration of a procedure whereby additional or updated information on risk assessment, regulatory actions, etc. can be identified and made available on a voluntary basis.

17. For further information on proposed capacity building activities, see section 7 of category C.

Section 2. Actions to improve the notifications of final regulatory actions

18. On actions to improve the notifications of final regulatory actions, two Parties (Colombia, New Zealand) expressed support for considering the establishment of an expert team to assist in questions related to the submission of notifications of final regulatory action (priority action ref. 122), with New Zealand providing additional information on how such an expert team could be set up and operating. Colombia mentioned examples of such expert teams, namely the International Sanitary Regulations, the Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services and the roster of experts under the United Nations Framework Convention on Climate Change.

19. One Party (Serbia) underlined the importance and usefulness of sub-regional meetings to discuss region-specific difficulties and explain the processes under the Convention. Another Party (Argentina) proposed the development of instructive materials such as guides or webinars for a better understanding of risk evaluations not based on risk assessments. A third Party (India) highlighted the lack of supporting information on criterion (b)(iii) of Annex III and that technical assistance should be provided to Parties by other Parties or the Secretariat to improve notifications.

20. One Party (Colombia) expressed interest in priority action ref. 120 on Parties providing assistance and in-kind support to other Parties in preparing risk evaluations and documentation of that evaluation and the national decision-making process.

21. For further information on proposed capacity building activities, see section 7 of category C.

Section 3. Actions to improve the identification of severely hazardous pesticide formulations

22. One Party (India) raised the issue that some criteria for listing severely hazardous pesticide formulations were being interpreted differently by Parties and suggested that the criterion on severity of the incidents because of which global action was warranted be defined by the Conference of the Parties. The Party also underscored the need for technical assistance on identification and reporting of severely hazardous pesticide formulations through guidance documents and trainings.

23. Another Party (Burkina Faso) supported identifying pesticide formulations that result in acute poisoning (priority action ref. 130) at the national level as a priority action.

24. For further information on proposed capacity building activities, see section 7 of category C.

Section 4. Actions to enhance the process of drafting and adoption of recommendations and draft decision guidance documents by the Chemical Review Committee

25. Several respondents expressed their views about the process of reviewing chemicals by the Chemical Review Committee: One Party (New Zealand) supported strengthening technical, scientific information in recommendations by the Chemical Review Committee (priority action ref. 144) by ensuring that the scientific, technical and statistical data prepared by the Committee was robust, such as by categorically documenting health and environmental effects associated with exposure to the

candidate chemical. To do so, draft criteria or the type of information that should be included would need to be defined, in consultation with countries, agreed upon at the Conference of the Parties and reviewed after a set period of time. Another Party (Canada) sought clarification on what was meant by the proposal to “categorically documenting health and environmental effects associated with exposure to the candidate chemical”. A third Party (Colombia) proposed that the Conference of the Parties ask Parties that oppose listing of chemicals to provide scientific evidence in order to allow countries to review the establishment of a PIC procedure. One observer (International Chrysotile Association) urged that recommendations by the Chemical Review Committee be accompanied by sound science and latest scientific evidence.

26. One Party (India) suggested that technical assistance on notifications through guidance and trainings would improve the submission by Parties and thus the quality of draft decision guidance documents.

27. A group of Parties (EU and its member States) noted that they saw no need to change the operations of the Chemical Review Committee, as its processes were fully in line with its mandate. One observer (United States of America) expressed disappointment about the consultations during and after meetings of the Chemical Review Committee, calling for more meaningful dialogue, discussion, time dedicated and involvement of observers in the considerations, in particular at the task group stage. Furthermore, diplomatic channels could be used to continue dialogue intersessionally to address outstanding concerns from Parties.

28. On observer (United States of America) stated that the Committee should be a forum where Parties with objections on potential listing seek clarity and further information to alleviate concerns. Increasing transparency in the listing process and preparing more robust draft Decision Guidance Documents should provide opportunities for Parties to understand socio-economic or trade issues in advance of the meetings of the Conference of the Parties. On the other hand, one Party (Colombia) underscored that the main objective of the work of the Chemical Review Committee should not be the review of economic implications, but the impacts on human health and the environment. A group of Parties (EU and its member States) recalled that the purpose of draft decision guidance documents was to reflect the notifications of final regulatory actions submitted by Parties, and to provide some information on the chemical originating from the notifications or international sources. The decision guidance documents were not meant to be a comprehensive scientific paper containing all available information on the chemical, its use and alternatives.

29. One observer (United States of America) welcomed efforts to improve engagement and rigor of the Chemical Review Committee, highlighting the need for appointed experts to dedicate sufficient time to participating actively in meetings, and receiving general training on the Convention and the operation of the Committee. This and another observer (Croplife International) proposed that effort be made to stimulate members to participate effectively in the work of the Committee. Related to the proposed priority action to increase the number of Committee members (ref. 141), one Party (Colombia) and one observer (Croplife International) expressed their belief that the current number of experts on the Committee was sufficient.

30. One Party (Colombia) expressed support for considering the need for translating/interpreting Chemical Review Committee documents and proceedings in all six languages (priority action ref. 142). One observer (Croplife International) suggested introducing simultaneous interpretation in plenary meetings of the Committee. One observer (United States of America) underscored the budget constraints in translating documents, while understanding the language constraints of some Parties and observers.

31. One Party (Mexico) and two observers (International Chrysotile Association, United States of America) supported opening up the Committee to a bigger participation by observers (priority actions ref. 142 and 143). Several Parties (Canada, Colombia, EU and its member States) noted that stakeholders already had the possibility to participate in the work of the Committee, for example by commenting on the draft Decision Guidance Documents. The EU and its member States added that the Committee was operating in a transparent manner. One Party (Colombia) cautioned that opening the meeting to everyone could involve the risk of losing the scientific character of this body.

32. One Party (Russia) suggested that the proposed priority actions related to increasing the transparency in the work of the Committee (ref. 142), improve consistency of the Committee’s recommendations (ref. 143), strengthen technical, scientific information in CRC recommendation (ref. 144), create a framework for the discussion of objections to the recommendation at the Committee level (ref. 145) and supplement the information available in the decision guidance documents (ref. 146) should be evaluated in detail during the meeting of the intersessional working group in Riga, on 4-6 June 2018. The intersessional working group could for example request the Secretariat to draft

relevant proposals for discussion at the ninth meeting of the Conference of the Parties and for amending the Chemical Review Committee handbook.

Section 5. Actions to facilitate consensus-finding at the Conference of the Parties

33. Related to promoting a shared understanding of the listing procedure (priority action ref. 150), one Party (New Zealand) expressed that there was merit in the Secretariat exploring opportunities to promote a shared understanding of the listing procedure and to raise awareness on the Convention more broadly (priority action ref. 150). More work was needed to define what activities would be most effective and how the Secretariat could work with relevant bodies to achieve this. Another Party (Colombia) supported awareness-raising activities to increase the understanding about the purpose and value of the Convention and the implications of listing, as well as to use Sustainable Development Goals to promote the Convention as these goals propose a framework of interlinkages with many other relevant topics that could help make the concerns of the Convention more visible.

34. One Party (India) and one observer (International Chrysotile Association) suggested carrying out a study to analyse the impacts of listing chemicals in Annex III to the Convention on the market. The observer added that such a study should be realistic and take into account the effect on the industrial and labour sectors. One observer (United States of America) encouraged getting a better understanding of the impact of the Rotterdam Convention on domestic decision-making and global trading regimes. If a study on socio-economic or trade issues be contracted, it should be carried out by an outside firm with expertise in global trade. Another Party (Colombia) recalled that the objective of the Rotterdam Convention was to protect human health and environment and that an economic analysis was out of the mandate of the Convention. A study on the impact of listing chemicals should thus focus on health and environmental impacts.

35. One observer (United States of America) highlighted the lack of intersessional work between Parties and stakeholders following recommendations by the Chemical Review Committee and until the listing was considered by the Conference of the Parties.

36. One observers (International Chrysotile Association) urged that discussions about chemicals for which no consensus had been achieved at the Conference of the Parties for several years be frozen.

37. One observer (United States of America) raised concern about the development of a glossary of key terminology (priority action ref. 152), explaining that legal terms had a well-established meaning and that attempting to define them would be time-consuming and could have wide-ranging and unintended implications.

Section 6. Actions to amend the decision-making process for listing chemicals

38. Several Parties (Colombia, EU and its member States, Mexico, Switzerland) noted that the proposals to amend the decision-making process for listing chemicals should be discussed further. One Party (Ghana) reiterated its support for the proposals presented at the eighth meeting of the Conference of the Parties by a number of African countries to amend the Convention in order to enhance its effectiveness. One of these proposals included the amendment of Article 22 to allow for voting on proposed amendments to Annex III of the Convention.

39. One Party (Mexico) recalled the concern of several countries that the Conference of the Parties had not managed to reach consensus on the listing of chemicals recommended by the Chemical Review Committee, for which all criteria had been fulfilled. One Party (Russia) noted that the absence of consensus of listing chemicals in Annex III to the Convention did not indicate that there was a crisis in the work of the Convention, but that it demonstrated the objectivity and effectiveness of the consideration of issues at meetings of the Conference of the Parties. One observer (CropLife International) felt that the Convention in its current form was appropriate for achieving the objectives of the Convention and saw no need to amend it.

40. One Party (Russia) expressed concern that all proposals made for amending the decision-making process for listing chemicals would complicate the work under the Convention and lead to a crisis in the implementation of the Convention. Their consideration was inappropriate. The Party furthermore argued that while socio-economic interests did influence the adoption of final regulatory actions by Parties, disagreement over listing was not only caused by economic considerations, but also the absence of scientific evidence on the negative consequences of use of certain chemicals on human health.

41. Regarding the proposed priority action to subject chemicals to a voluntary PIC procedure, where a (qualified) majority of Parties agreed to their listing (ref. 160), a group of Parties (EU and its member States) called for a further analysis of the proposal and highlighted that a voluntary PIC procedure would allow the vast majority of Parties to adopt the PIC procedure for a certain chemical.

Another Party (Colombia) considered that this option could be acceptable to most Parties since it did not have legal implications and would not generate two sets of legal obligations. One Party (Canada) mentioned that the current Convention text did not provide for automatic amendments to such a new Annex for a voluntary PIC procedure for chemicals for which there was no consensus to list them in Annex III. One observer (International Chrysotile Association) believed that such a voluntary PIC procedure would constitute a breach of the Convention, which required consensus in listing chemicals, which could not be circumvented by a “behind-the-scene” inclusion in the PIC list.

42. One Party (Colombia) introduced another option, which would be to add a new Annex to the Convention allowing Parties to opt out of the PIC procedure for the chemicals listed in the Annex. The Annex could establish the same obligations as those listed in Annex III or different obligations, such as promoting information exchange. Only Parties not opposing the new Annex would be bound to use it.

43. Regarding the proposed priority action to subject chemicals to the PIC procedure, where a (qualified) majority of Parties agrees to their listing (ref. 161), several Parties (Canada, Colombia, India) and one observer (Croplife International) referred to challenges and complexity of additional annexes or amendments to the annexes, including the variations of obligations of Parties to the Convention; understanding who would be subject to the PIC procedure on which chemicals; and the resources taken up by clarifying and following up on the application of the PIC procedure. One Party (Colombia) also noted that it was difficult to decide when all efforts to reach consensus had been exhausted.⁴

44. One Party (Colombia) and one observer (Croplife International) mentioned the considerable effort and time that ratification and entry into force of amendments to the Convention would take, as demonstrated by the Ban Amendment under the Basel Convention that was still pending entry into force. The observer also pointed out that most certainly a substantial number of Parties would either not approve any proposed amendment or fail to act and thus never become bound by it.

45. Two Parties (Russia, India) and three observers (Croplife International, International Chrysotile Association and United States of America) expressed that they did not support proposals for amending the decision-making process for listing chemicals. One Party (India) stated that these amendments would dilute the objective and purpose of the Convention and diminish its effectiveness. One observer (Croplife International) mentioned that the result would be an ungovernable PIC framework and a very complex situation for industry. According to this observer, such changes would likely require additional changes to the Convention text so that Parties understood what obligations they would have under which situations. Three observers (Croplife International, International Chrysotile Association, United States of America) furthermore pointed out that such amendments undermined the principle of consensus in decision-making, which had been a core principle of multilateral environmental decision-making.

46. One Party (Canada) and two observers (Croplife International, United States of America) referred to the Vienna Convention on the Law of Treaties, which stated that amendments to treaties were not binding on a Party that chooses not to accept or ratify the amendment. Canada drew the conclusion that Parties which accepted an amendment to the Convention would thus still be bound by their original obligations vis-à-vis any Party which did not accept the amendment. The United States highlighted that the rights afforded to those countries who were Parties only to the unamended Convention would need to be considered. Croplife International expressed its view that Parties that did not ratify the amendment would retain the right that listings in Annex III following voting did not enter into force not only for them but also for all other Parties. Such amendments to change the decision-making procedure on chemicals would thus not work.

47. A group of Parties (EU and its member States) highlighted the importance of all Parties fully understanding the consequences of the proposed priority actions and suggested that the Secretariat prepare a detailed and clear overview of these consequences to ensure full transparency and to inform discussions at the next meeting of the Conference of the Parties. One observer (United States of America) mentioned careful consideration needed to be given to intent and legal outcome of any priority action taking into account that it was up to Parties to interpret the obligations of the Convention.

48. On the proposed priority action to subject chemicals to the PIC procedure, where a (qualified) majority of Parties agrees to their listing, with the possibility to opt out (ref. 162), one Party (Canada)

⁴ According to paragraph 3 of Article 21 of the Convention, Parties shall make every effort to reach agreement on any proposed amendment to the Convention by consensus. If all efforts at consensus have been exhausted and no agreement reached, the amendment shall as a last resort be adopted by a three-fourth majority vote.

highlighted a few unclaritys of the proposal, such as what the Party could opt out from and whether it included the possibility of opting in as under the Stockholm Convention.⁵ The Party also recalled that the Rotterdam Convention was only about the PIC procedure, while the opt-out mechanism under the Stockholm Convention was different, since the Convention required prohibition of listed chemicals. Another Party (Colombia) expressed concern that this would be confusing and create even three sets of obligations among Parties, for those that accept the amendment to allow for voting, as well as the PIC procure for the listed chemicals, those accepting the amendment to allow for voting, but opting out for specific chemicals, and those not accepting the amendment.

49. Two Parties (Colombia, India) supported the proposal to develop an analysis on whether other conventions were confronted with a similar issue and how they dealt with it.

IV. Category B: The PIC procedure

Section 1. Actions to improve compliance with the obligation to transmit export notifications

50. On the proposal to encourage producer countries to transmit export notifications to developing countries before exporting dangerous chemicals (priority action ref. 210), one Party (Colombia) noted that this would be useful for developing countries to create and improve their inventories of hazardous chemicals and thus the implementation of the Convention. However, the Party questioned whether such a mechanism would be within the mandate of the Convention.

51. For comments related to technical assistance and capacity building, see section 7 of category C.

Section 2. Actions to improve Parties' provision of import responses

52. No comments were provided on the priority actions proposed in this section. For comments related to technical assistance and capacity building, see section 7 of category C.

Section 3. Actions to improve Parties' control of chemicals imports

53. One Party (Argentina) proposed to entrust to the Rotterdam Convention Secretariat the correct customs nomenclature of the chemical substances and products affected by the Convention through an active participation during the World Customs Organization sessions.

54. For comments related to technical assistance and capacity building, see section 7 of category C.

Section 4. Actions to improve the implementation of the PIC procedure in general

55. One Party (New Zealand) proposed the Secretariat explore through a feasibility study whether the clearing-house mechanism for information exchange could address the proposed online system for managing requests for prior consent and respective answers (priority action ref. 242).

56. One Party (Colombia) suggested deliberative dialogues and information exchange in the technological field facilitating the application of export notifications and the response to notifications.

V. Category C: Overall effectiveness of the Convention

Section 1. Actions to promote awareness at the national level

57. One Party (Colombia) highlighted that the objective of the PIC procedure was to formally obtain and disseminate information so that decisions could be made by importing countries, not to ban the production and use of chemicals. Parties and the Secretariat had done a lot of work to ensure the understanding of the aims of the convention. The Party noted that the process for listing chemicals under the Convention consumed resources in the chemicals and waste cluster and that it was thus timely to decide how the Convention could be more efficient and effective at promoting greater chemicals safety.

58. For comments related to technical assistance and capacity building, see section 7 of category C.

⁵ According to paragraph 4 of Article 22 of the Stockholm Convention on Persistent Organic Pollutants, an amendment to Annex A, B or C shall not enter into force with respect to any Party that has made a declaration in its instrument of ratification, acceptance, approval or accession with respect to amendment to those Annexes in accordance with paragraph 4 of Article 25, in which case any such amendment shall enter into force for such a Party only upon the deposit of its instrument of ratification, acceptance, approval or accession with respect to such amendment.

Section 2. Actions to improve information-exchange between Parties and the Secretariat and between Parties

59. Many Parties (Albania, Colombia, Georgia, India, Iraq, Mexico, New Zealand, the Philippines, Russia, Serbia) and one observer (United States of America) expressed support for activities to enhance information exchange on various aspects of chemicals management and the Rotterdam Convention.

60. Proposed topics for such exchange of information and experience included risks associated with chemicals, final regulatory actions taken, risk evaluations, export notifications, chemicals listed and/or recommended for listing, inter-institutional coordination to nationally discuss and decide on the possible substances to be listed, the PIC procedure, import and export notifications, the listing process and chemicals management systems in developed countries.

61. One Party (Australia) proposed to use the PIC circular letter and CD as a means to provide consolidated information or training material without relying on internet connections. Another Party (New Zealand) proposed improving the availability of information on chemicals management systems in developed countries by including a technical workshop over one lunchbreak during the Conference of the Parties.

62. One Party (Albania) proposed sharing materials to train industries on implementing their obligations under the Convention and another (Colombia) highlighted that information should be shared on well-known alternatives, in a language that was accessible to industries. A third Party (Suriname) suggested the creation of a system where manufacturers had the obligation to send the PIC forms, and to assist the country where they sold the products in raising awareness and training on how to handle these chemicals.

Section 3. Actions to determine and address non-compliance with the provisions of the Convention

63. Several Parties (New Zealand, EU and its member States) and one observer (United States of America) supported the adoption of a compliance mechanism, as a means of supporting the implementation and effectiveness of the Convention. One Party (India) mentioned that a facilitative and non-punitive compliance mechanism should be developed which would enhance the effectiveness of the Convention.

64. One Party (New Zealand) proposed that the adoption of a compliance mechanism could proceed on the text considered for adoption at the seventh meeting of the Conference of the Parties. Other Parties (EU and its member States) suggested that the Secretariat approach Parties that did not agree to this text in order to provide any needed clarifications.

Section 4. Actions to improve Parties' adoption of national action plans (NAP)

65. No comments were provided on the priority actions proposed in this section. For comments related to technical assistance and capacity building, see section 7 of category C.

Section 5. Actions to improve Parties' enactment of legislation implementing the Convention

66. One Party (Switzerland) proposed adding a priority action to facilitate the development of national legislation on those substances that were recommended for listing in Annex III by the Chemical Review Committee but were not yet listed in Annex III to the Convention.

67. One observer (Central African Republic) suggested encouraging developing countries to promote a national regulation to support the implementation of the Convention at the national level.

Section 6. Actions to strengthen Parties' institutions for national implementation

68. One Party (Colombia) agreed that coordination between government authorities and stakeholders involved in the implementation of the Convention (priority action ref. 361) could be a challenge for developing countries, having an impact on implementation and compliance. This Party suggested exchanging experience on how to achieve inter-institutional coordination to nationally discuss and decide on the possible substances to be listed, involving all the national relevant actors.

Section 7. Actions to improve the availability of technical assistance and capacity-building in general

69. Many Parties (Albania, Australia, Burkina Faso, Colombia, Democratic Republic of the Congo, Georgia, India, Iraq, the Philippines, Russia, Suriname) and two observers (US, Central African Republic) highlighted the importance of the activities aiming at enhancing Parties' capacities and awareness to implement the Rotterdam Convention and sound management of chemicals and

wastes and expressed support for the various priority actions related to capacity-building and technical assistance.

70. One Party (Australia) suggested that such assistance could be provided through practical trainings, YouTube and webinar formats. A second Party (New Zealand) urged the Secretariat to consider whether a partnership approach could help increase the profile of the Convention and build capacity of its Parties. This Party suggested in particular partnerships with regional environmental organizations to provide information and capacity building opportunities targeted to each region. This approach would be reviewed by the Secretariat, including by a survey of countries.

71. One Party (Russia) noted the important role of the Secretariat in providing such support and pointed out that such assistance should be voluntary for Parties that are able to do so. Another (India) suggested providing periodic training to Designated National Authorities while another (Albania) proposed train the trainer programmes. A fourth Party (Democratic Republic of the Congo) specified that assistance should include providing access to Designated National Authorities to office equipment such as laptops and internet connection and to logistical support. Another Party (the Philippines) suggested feedback mechanisms and opportunities for active participation in the meetings of the Conference of Parties.

72. Areas suggested for priority actions on capacity building were: laboratory capacity for analyses and detection of hazardous substances, generating and using information on health and environmental impacts, national reporting mechanisms on health-related diseases due to exposure to toxic chemicals, risk evaluations, identification and reporting of severely hazardous pesticide formulations, controlling risks associated with chemicals, preparing notifications of final regulatory actions, import responses, export notifications and other submissions under the Convention, import and export controls, import and export registers, the impacts of listing chemicals in Annex III to the Convention, experience on chemicals management and implementation of the Convention from developed countries, the importance of implementing the Rotterdam Convention, support to countries that have not yet ratified the Convention, technology transfer and guidance to assist industries in their obligations under the Convention.

73. Several Parties (Australia, EU and its member States) and one observer (United States of America) note the work already done on technical assistance: The observer highlighted the significant amount of guidance already produced. The EU and its member States indicated that many actions to provide technical assistance and improve information exchange were already ongoing through activities carried out by the Secretariat and information exchange via the Convention website (e.g., the clearing house), including using the various available training materials. Duplication of efforts should be avoided, and the Secretariat should thus identify gaps in implementation that can be addressed through technical assistance, training or information exchange and propose actions to address those gaps, including information on potential costs. The next Conference of the Parties could then consider those actions when deciding on the technical assistance plan and programme of work and budget for the following biennium.

Section 8. Actions to improve the availability of funding for national implementation

74. Two Parties (Serbia, Ghana) highlighted the importance of the existence of financial mechanisms for national implementation of sound management of chemicals and wastes, such as the Special Programme on Institutional Strengthening, which can, if fully funded, support the implementation of the Basel, Rotterdam, Stockholm and Minamata Conventions, as well as the Strategic Approach to International Chemicals Management.

75. One Party (Ghana) reiterated its support for the proposals presented at the eighth meeting of the Conference of the Parties by a number of African countries to amend the Convention in order to enhance its effectiveness. One of these proposals included the amendment of Article 16 of the Convention to stipulate that Parties shall provide technical and financial assistance to enable implementation of the Convention through the Global Environment Facility Trusts Fund.

76. One observer (United States of America) suggested raising awareness on the opportunities available within the integrated approach to financing sound management of chemicals and wastes.

77. Two Parties (Albania, Democratic Republic of the Congo) requested financial support for national activities, respectively the development of import and export registers; and the development of outreach plans and campaigns to raise awareness on the environmentally sound management of hazardous chemicals and of legal, regulatory and administrative texts.

Section 9. Actions to improve synergies with the Basel and Stockholm Conventions

78. Two Parties (Democratic Republic of the Congo, Ghana) proposed encouraging synergistic actions among the Basel, Rotterdam and Stockholm conventions to strengthen the implementation of the Conventions at the national and international levels. A third Party (Switzerland) suggested focusing discussions at the first meeting of the intersessional working group in Riga, on 4-6 June 2018, on priority actions with a synergistic approach among the chemicals and waste.

V. Other comments**Appendix**

79. One Party (Australia) recommended using the diagram on procedural steps of the listing process and PIC procedure under the Rotterdam Convention, contained in the appendix of the report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention (pp.42-45), for training materials as a visual summary and visual aid of the main steps in the PIC and listing procedures. The diagram could be accompanied by a consolidated list of what guidance is available and a consolidated glossary to promote a shared understanding of key terminology.

Annex II

Compilation of comments submitted by Parties and others on the report analysing the legal and operational implications of the priority actions to enhance the effectiveness of the Rotterdam Convention

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Albania

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(i) Priority actions to enhance the effectiveness of the Rotterdam Convention

In this section, Parties are asked to list a maximum of 5 (five) priority actions that could be undertaken to enhance the effectiveness of the Rotterdam Convention. Parties may wish to make reference to the relevant decision taken by the seventh meeting of the Conference of the Parties,⁶ the subsequent intersessional work undertaken on the process of listing chemicals in Annex III to the Rotterdam Convention⁷ and the documents on this matter submitted to the Conference of the Parties at its eighth meeting.⁸

Please be as specific as possible in describing your priority actions to ensure the Secretariat can effectively utilize this information.

Priority actions to enhance the effectiveness of the Rotterdam Convention (Maximum 100 words per priority action)	
1	Republic of Albania has approved the Decision of Council of Ministers No.665 of 21.09.2016, “ On import and export of hazardous chemicals ” which transpose and brings into national legislation EU Regulation no. 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals. One of the measures foreseen in this DCM is that: <i>DNA, through the Chemicals office, keeps, further develop and regularly update the import and export hazardous chemicals register, “Export-Import Register”</i> . In this context, we would request Financial and technical assistance from Secretariat/GEF to develop the above mentioned register, also having examples from other countries that have developed a register like this.
2	DCM 665/2016, specifies that: <i>DNA, through the Chemicals office, when is appropriate ensures assistance, scientific and technical guidance’s and instruments for industry, in a way to ensure the effective implementation of the RC and implementation of this decision in place. The DCM 665/2016 will enter into force on March 2016.</i> Is any such guidance been issued from other countries to exporters on their obligations under RC that Republic of Albania can use as an example? Can we have a copy of it? Do you have any

⁶ See decision RC-7/5 available at:

<http://www.pic.int/TheConvention/ConferenceoftheParties/Meetings/COP7/Overview/tabid/4252/language/en-US/Default.aspx>

⁷ Please refer to the Rotterdam Convention website:

<http://www.pic.int/Implementation/ProcessforListingChemicals/IntersessionalWorkingGroup/tabid/5253/language/en-US/Default.aspx>

⁸ Including, but not limited to documents: UNEP/FAO/RC/COP.8/16, UNEP/FAO/RC/COP.8/16/Add.1, UNEP/FAO/RC/COP.8/INF 10, UNEP/FAO/RC/COP.8/INF 20, UNEP/FAO/RC/COP.8/INF 21, UNEP/FAO/RC/COP.8/INF 25. Please refer to the Rotterdam Convention website:

<http://www.pic.int/TheConvention/ConferenceoftheParties/Meetings/COP8/Overview/tabid/5311/language/en-US/Default.aspx>

	training program on RC that other countries have organized (including customs, industries..etc), that R.A can use as an example, for trainings in her territory?
3	<p>-Secretariat of RC must take into consideration organizing <i>Train the Trainers</i> Programs in frame of RC in one of the countries where RC is best implemented. With a detailed and well-structured program, 4-5 participants from each country can take place (1 from the responsible ministry of Environment, 1 from the agriculture, 1 from customs, 1 from inspectorates, 1 from industry).</p> <p><i>(online training webinars have a good purpose in itself but due to technical reasons, or every day work most of the time are not followed from the technical staff).</i></p> <p>-Financial and technical assistance is requested to enable R.A to implement the Convention effectively and to manage hazardous pesticides and other chemicals and wastes in an environmentally sound manner(training for customs, industries, inspectorates);</p>
4	<p>-Secretariat of the Convention must share to other Parties information on training and capacity-building programs/activities that Parties organize in place in frame of RC;</p> <p>-Secretariat must enforce its role and exchange of information on the way how Parties implement exports and import notifications in frame of RC. This will serve, help other countries to learn from Best practices;</p>
5	Only Parties members of the European Union have transmitted export notifications to R.A.

(ii) Key information gaps related to the priority actions identified

In this section you are asked to indicate key information gaps with respect to the priority actions identified under point (i) above. This information will be used to assist the preparation of the report analyzing the legal and operational implications of the priority actions identified.

Priority action 1	Key information gaps
Priority action 2	Key information gaps
Priority action 3	Key information gaps
Priority action 4	Key information gaps
Priority action 5	Key information gaps

Argentina

Report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

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Abbreviations and acronyms

COP	Conference of the Parties to the Rotterdam Convention
CRC	Chemical Review Committee
DGD	Decision Guidance Document
DNA	Rotterdam Convention designated national authority
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FRA	final regulatory action
GCI	Green Customs Initiative
GRULAC	Group of Latin American and Caribbean Countries in the United Nations
HS code	Harmonized System Code
HSG	Health and Safety Guide
IPCS	International Programme on Chemical Safety of the World Health Organization
MEA	multilateral environmental agreement

MoU	memorandum of understanding
NAP	national action plan
NIOSH	National Institute for Occupational Safety and Health
OCP	Rotterdam Convention official contact point
OECD	Organisation for Economic co-operation and Development
PA	priority action
PIC	prior informed consent
POPRC	Persistent Organic Pollutants Review Committee of the Stockholm Convention
SDG	Sustainable Development Goal
SHPF	severely hazardous pesticide formulation
TA	technical assistance
ToRs	terms of reference
WCO	World Customs Organization
WTO	World Trade Organization
WHO	World Health Organization

Introduction

1. By decision RC-8/8, the eighth meeting of the Conference of the Parties to the Rotterdam Convention (COP-8) invited Parties to propose priority actions to enhance the effectiveness of the Convention and requested the Secretariat to prepare a report analysing the legal and operational implications of the proposed priority actions.
2. This report is divided into two parts. Part I provides an overview of the survey and the process for the compilation of the proposed actions from Parties, as well as a summary of the Parties that provided responses along with some next steps. Part II consists of a tabular summary of the proposed actions identified by the respondents, as well as related information gaps and potential legal and operational implications. A full compilation of the submissions is available on the Convention's website.⁹
3. An Appendix to this document provides an overview on the main procedural steps of the process for listing chemicals in Annex III to the Convention as well as of the prior informed consent (PIC) procedure.

Part I – Background and next steps

4. In line with decision RC-8/8, the Secretariat developed an online survey in English, French and Spanish asking Parties:
 - (a) To describe a maximum of 5 (five) priority actions that could be undertaken to enhance the effectiveness of the Rotterdam Convention; and
 - (b) To indicate key information gaps for each of the identified priority actions.
5. Parties were invited to complete the online survey by 31 October 2017, as decided by the COP. Submissions were received until 15 November 2017.
6. As of 15 November 2017, the Secretariat received 24 responses from Parties to the Rotterdam Convention (including the European Union (EU) on behalf of its 28 member States), from 33 developed countries (OECD and EU member States) and 18 developing countries or countries with economies in transition (Africa 2, Asia and Pacific 7, Central and Eastern Europe 2, Latin America and Caribbean 7). There were no responses from small island developing countries. The response rate was 32 per cent.¹⁰
7. The results of the survey form the basis for the present report.
8. The following table summarizes the level of response per region based on the number of Parties in each region:

Africa	2 out of 47 Parties	Republic of the Congo, Uganda
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⁹ The compilation of submissions to the survey on priority action to enhance the effectiveness of the Rotterdam Convention is available at <http://www.pic.int/Implementation/EnhancingtheeffectivenessofRC/Onlinesurvey/tabid/6215/language/en-US/Default.aspx>.

¹⁰ As of 15 November 2017, 158 States and the European Union were Parties to the Rotterdam Convention.

Asia-Pacific	8 out of 38 Parties (includes 1 as coordinated response through the EU)	Afghanistan, Bahrain, China, Jordan, Kuwait, Sri Lanka, Yemen As coordinated response through the EU: Cyprus
Central and Eastern Europe and Central Asia	13 out of 22 Parties (includes 11 as coordinated response through the EU)	Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia As coordinated response through the EU: Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia
Latin America and Caribbean	8 out of 28 Parties	Colombia, Costa Rica, Ecuador, Honduras, Mexico, Panama, Peru, Venezuela
Western Europe and Others	20 out of 23 Parties (includes 16 as coordinated response through the EU)	Australia, Canada, Norway, Switzerland As coordinated response through the EU: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland

9. **Next Steps:** This report and comments received thereon will be considered by a working group established by decision RC-8/8, with the mandate:

- (a) To identify a set of prioritized recommendations for enhancing the effectiveness of the Convention, and
- (b) To develop a report identifying further steps for consideration by the Conference of the Parties at its ninth meeting.

10. In order to put the elements of the report in context, the Appendix to this document includes a diagram on the main steps of the process of listing an industrial chemical, a pesticide or a severely hazardous pesticide formulation (SHPF) in Annex III of the Convention.

11. The diagram specifies the legal basis for each step of the listing process and the PIC procedure, and the procedural requirements that would need to be met in order to implement the proposed action within the framework of the Convention (e.g. adoption of a COP decision, developing or amending an annex of the Convention, amending the text of the Convention).

Part II – Proposed actions and their legal and operational implications

12. A table summarizing the priority actions proposed has been prepared. The proposed actions have been clustered into the three main categories¹¹ for enhancing the effectiveness of the Convention identified by decision RC-8/8:

Category A: The listing process

- 1) Actions to improve the adoption of final regulatory actions (FRA);
- 2) Actions to improve the notifications of FRAs;
- 3) Actions to improve the identification of SHPFs;

¹¹ In addition, Norway's response to the survey (PA-1) includes specific suggestions on how the working group could proceed in accomplishing this mandate. With regard to the question of membership, Norway mentions that developing countries may face unique challenges in relation to imports and exports of hazardous chemicals, the environmentally sound management of those chemicals and the implementation of the Convention. However, only a limited number of developing country Parties had participated in intersessional work leading up to the eight meeting of the Conference of the Parties. It is therefore important to consider, as part of this intersessional work process, information from a broader range of developing countries on the benefits of the Convention, as well as on actions that would make the Convention more valuable to them. If not provided in response to the survey, such information could actively be pursued, for example, through the Secretariat. Norway also emphasizes the importance of narrowing down the list of proposals and options collected so far, which should be the main focus of the intersessional work ahead. In this context, it seems important to distinguish between proposals that fall within the scope of the Convention text or mandate of the CRC and those that do not.

- 4) Actions to enhance the process of drafting and adoption of recommendations and draft decision guidance documents (DGDs) by the Chemical Review Committee (CRC);
- 5) Actions to facilitate consensus-finding at the COP;
- 6) Actions to amend the decision-making process for listing chemicals;

Category B: The PIC procedure

- 1) Actions to improve compliance with the obligation to transmit export notifications;
- 2) Actions to improve Parties' provision of import responses;
- 3) Actions to improve Parties' control of chemicals imports;
- 4) Actions to improve the implementation of the PIC procedure in general;

Category C: Overall effectiveness of the Convention

- 1) Actions to promote awareness at the national level;
- 2) Actions to improve information-exchange between Parties and the Secretariat and between Parties;
- 3) Actions to determine and address non-compliance with the provisions of the Convention;
- 4) Actions to improve Parties' adoption of national actions plans;
- 5) Actions to improve Parties' enactment of legislation implementing the Convention;
- 6) Actions to strengthen Parties' institutions for national implementation;
- 7) Actions to improve the availability of technical assistance and capacity-building in general;
- 8) Actions to improve the availability of funding for national implementation;
- 9) Actions to improve synergies with the Basel and Stockholm Conventions.

13. **The tabular summary is structured as follows:**

Column 1 lists the actions proposed.

Column 2 provides a summary of the proposed action (PA) and the number assigned to it by the Party (1 to 5).¹²

Column 3 lists the corresponding key information gaps as identified by Parties.

Column 4 includes a summary of potential legal and operational implications, other than financial implications. The Secretariat has focused on identifying the proposed actions that fall within the scope of the Rotterdam Convention, there may be other options for action that fall outside the scope of the Convention.

¹² The full text of the submissions is available in the compilation of answers at <http://www.pic.int/Implementation/EnhancingtheeffectivenessofRC/Onlinesurvey/tabid/6215/language/en-US/Default.aspx>.

Category A: The listing process

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
1. Actions to improve the adoption of FRAs				
110	Improve information-exchange and access to basic information by increased use of information and communication technology tools	– Ecuador (PA-1) proposes measures to improve the exchange of basic information to help Parties present FRA notifications that fulfil the listing criteria. The Secretariat should provide tools to developing countries using available information and communication technologies (video tutorials, apps, online assessments) to facilitate access to quality information as a basis for decision-making.	– High staff turnover in Rotterdam Convention official contact points (OCP) (Ecuador) – Impossibility for Parties to check whether they have pending activities or outstanding information to submit (Ecuador) – Lack of offer of interactive trainings to ensure adequate information flow (Ecuador)	Implementation through the technical assistance (TA) plan and/or as part of the development of the clearing-house mechanism for information-exchange. ¹³
111	Improve information-exchange on FRAs	– Peru (PA-3) proposes that a survey to collect information on the health and environmental reasons that purported the FRA and the national situation of the regulated chemical (registration, commercial names, production and import volume, uses, concentrations, crops, available alternatives, etc.) should be circulated to a Party submitting an FRA immediately after submission of that FRA and not only when a second FRA for the same chemical has been received from a different PIC region. That information could then be shared with all Parties.	– Lack of reliable and accessible source of information on regulatory measures taken by Parties with respect to chemicals for which they submitted an FRA (Peru)	Implementation through a COP decision requesting the Secretariat to circulate this information (the text of the Convention only requires circulation of a <i>summary</i>). <i>Note:</i> The CRC Handbook ¹⁴ currently provides that for all notifications that are verified as complete by the Secretariat, a letter is sent to the notifying country with a request to submit the supporting documentation referenced in their notifications and if possible a focused summary. Focused summaries and, depending on its volume, supporting documentation are translated into English upon receipt, and made available as meeting papers for the CRC.
112	Improve national capacity to generate and use information on	– Peru (PA-1) suggests improving the national capacity of Parties to generate and compile information on health and	– Weaknesses in the chemicals registration system and the monitoring system for chemical poisoning (Peru)	Implementation by individual Parties under Articles 15.2 ¹⁵ and 16 ¹⁶ of the Convention.

¹³ See decision RC-8/12 on the clearing-house mechanism for information exchange.

¹⁴ The Handbook of working procedure and policy guidance for the CRC (English) is available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.

¹⁵ Article 15.2 of the Rotterdam Convention provides that “[e]ach Party shall ensure, to the extent practicable, that the public has appropriate access to information on chemical handling and accident management and on alternatives that are safer for human health or the environment than the chemicals listed in Annex III.”

¹⁶ Article 16 of the Rotterdam Convention provides that Parties with more advanced programmes for regulating chemicals should provide technical assistance, including training, to other Parties in developing their infrastructure and capacity to manage chemicals throughout their life-cycle.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
	health and environmental impacts	environmental impacts to allow for the adoption of FRAs on the basis of quality information.	<ul style="list-style-type: none"> – Environmental monitoring does not focus on risk evaluations (Peru) – Lack of expertise for bridging information in support of and FRA (Peru) 	<p>Activities to assist Parties in improving their capacity to generate and use this information could also be part of the implementation of the TA plan.</p> <p><i>Note:</i> For pesticides, the SHPF kit includes guidance on collecting data on pesticide poisoning (English), the guidelines on developing a reporting system for health and environmental incidents regulating from exposure to pesticides (English) of the Food and Agriculture Organization of the United Nations (FAO), the guide for state-based programs on pesticide-related illness and injury surveillance of the National Institute for Occupational Safety and Health (NIOSH) and a number of case studies and field tools (English).¹⁷</p> <p>Additionally, the Secretariat has developed a Final Regulatory Action Evaluation Toolkit (FRA Evaluation Toolkit)¹⁸ that contains references to tools for risk evaluation, including on hazard identification and classification, developed by various agencies, as well as access to risk evaluation of toxic substances carried out by Parties that have satisfied the criteria of Annex II of the Convention.</p>
113	Assist developing Parties and Parties with economies in transition in collecting key information at the national level before consideration of the chemical by the CRC	<ul style="list-style-type: none"> – Colombia (PA-1) proposes that developing countries and countries with economies in transition should receive technical and financial assistance to realise early inventories on uses, risks and incidents at the national level of chemical products that the Secretariat decides to refer to the CRC. This will enable developing countries and countries with economies in transition to provide relevant information, actively participate in the work of the CRC, and adopt informed positions at the COP. 	<ul style="list-style-type: none"> – No or limited registration systems and administrative instruments to control the production, import and use of chemicals, which makes it difficult to identify the implications of listing. and to implement the PIC procedure for that chemical. This lack of information and uncertainty on capacity makes it difficult to identify alternatives, against the concerns of producers and/or users, which may lead to situation where that 	<p>Implementation by individual Parties under Articles 15.1 (a)¹⁹ and 16²⁰ of the Convention.</p> <p>Activities to assist Parties in establishing inventories on candidate chemicals could also be part of the implementation of the TA plan.</p>

¹⁷ The FAO Guidelines on Developing a Reporting System for Health and Environmental Incidents Resulting from Exposure to Pesticides, the NIOSH Publication on Pesticide-Related Illness and Injury Surveillance: A How-To Guide for State-based Programs and the case studies and field tools are available at <http://www.pic.int/Implementation/SeverelyHazardousPesticideFormulations/SHPFKit/AdditionalInformation/tabid/3148/language/en-US/Default.aspx>.

¹⁸ The Final Regulatory Action Evaluation Toolkit is available at <http://www.pic.int/Implementation/FinalRegulatoryActions/FRAEvaluationToolkit/Introduction/tabid/4976/language/en-US/Default.aspx>.

¹⁹ Article 15.1 of the Rotterdam Convention provides that “[e]ach Party shall take such measures as may be necessary to establish and strengthen its national infrastructures and institutions for the effective implementation of this Convention. These measures may include, as required, the adoption or amendment of national legislative or administrative measures and may also include: (a) The establishment of national registers and databases including safety information for chemicals.”

²⁰ See footnote 8.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
114	Develop guidance on bridging information to support FRAs	– China (PA-1) suggests that the Secretariat publish a guideline document on the bridging method for risk evaluations with corresponding trainings to improve the ability of chemical risk assessment in developing countries and to enable them to provide a scientific decision basis for FRA notifications.	country opposes listing at the COP (Colombia) – Lack of sufficient scientific information for the assessments of risk associated with the use of chemicals, (particularly in developing countries) (China) – Lack of resources for the assessment of chemicals for which data is available (particularly in developing countries) (China)	Implementation through the development of scientific guidance (COP decision). <i>Note:</i> Available guidance includes the paper on bridging information in the CRC Handbook ²¹ and some guidance available through the FRA Evaluation Toolkit. ²²
115	Develop guidance on using data on pesticide suicides to identify chemicals for FRAs	– Sri Lanka (PA-1) proposes that although intentional misuse is not a sufficient criteria for a listing decision under the Rotterdam Convention, such data could be used as an early warning tool to identify pesticides for FRAs. Sri Lanka's notifications of endosulfan (1998) and paraquat (2011) did not meet listing criterion (b)(iii) because Sri Lanka has no monitoring system for poisonings other than in case of suicide.	– Absence of a mechanism to link and report cases of pesticide poisoning other than suicides (Sri Lanka)	Implementation through the development of scientific guidance (COP decision). <i>Note:</i> The SHPF kit includes guidance on collecting data on pesticide poisoning (English), the FAO guidelines on developing a reporting system for health and environmental incidents regulating from exposure to pesticides (English), the NIOSH guide for state-based programs on pesticide-related illness and injury surveillance (English) and a number of case studies and field tools. ²³
116	Train national experts in performing risk evaluations to serve as a basis for FRAs	– Honduras (PA-4) proposes trainings for technical personnel in conducting risk evaluations for chemicals that may serve as a basis for FRAs.	– Lack of resources for conducting risk evaluations and therefore inability to adopt and submit FRAs (Honduras)	Implementation by individual Parties under Articles 15.1 ²⁴ and 16 ²⁵ of the Convention. Activities to assist Parties in performing risk evaluations could also be part of the implementation of the TA plan.

²¹ The Handbook of working procedure and policy guidance for the CRC (English) is available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.

²² The Final Regulatory Action Evaluation Toolkit is available at <http://www.pic.int/Implementation/FinalRegulatoryActions/FRAEvaluationToolkit/Introduction/tabid/4976/language/en-US/Default.aspx>.

²³ See footnote 9.

²⁴ Article 15.1 of the Rotterdam Convention provides that “[e]ach Party shall take such measures as may be necessary to establish and strengthen its national infrastructures and institutions for the effective implementation of this Convention.”

²⁵ See footnote 8.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
				<i>Note:</i> The resource kit includes a WHO/IPCS publication and projects on risk assessment methodology (English) and OECD guidelines for testing chemicals (English). ²⁶
117	Organize subregional meetings to discuss region-specific difficulties	– Bosnia and Herzegovina (PA-2) identifies the organization of a subregional meeting to discuss options for the development of mechanisms and conditions for the adoptions of FRAs as a means to address the country's difficulties in submitting FRAs.	– Lack of a mechanism and conditions for the adoption of FRAs at the national level, as FRAs from the EU are used (Bosnia and Herzegovina)	Implementation by individual Parties under Article 15.3 ²⁷ of the Convention. Activities to assist Parties in resolving regional implementation difficulties could be part of the implementation of the TA plan. <i>Note:</i> In the case of the submitting Party (Bosnia and Herzegovina), the meeting is already planned.
2. Actions to improve the notifications of FRAs				
120	Provide Party-to-Party assistance to adequately document the decision-making process	– Canada (PA-5) believes that a way to enhance the effectiveness of the Convention is to provide in-kind support (as offered by Canada) for risk evaluations and documentation of that evaluation and the national decision-making process, to prepare complete notifications of FRAs. This would produce a more comprehensive basis for the work of the CRC and more robust CRC recommendations.	– Self-identification of Parties that wish to obtain support. The process of self-identification could be launched at the upcoming intersessional working group meeting (Canada) – Identification of type of support/training needed (webinars, site visits etc.) (Canada)	Implementation by individual Parties under Article 16 ²⁸ of the Convention.
121	Make available commented examples of risk evaluations not based on risk assessments that fulfil criterion (b)(iii)	– Switzerland (PA-3) suggests including in the FRA Evaluation Toolkit a list of commented summaries of risk evaluations that are not risk assessments that fulfil criterion (b)(iii).	– Few notified FRAs based on risk evaluations that are not risk assessments have so far fulfilled criterion (b)(iii) (Switzerland)	Implementation through the development of scientific guidance and/or update of the FRA Evaluation Toolkit. <i>Note:</i> Available guidance includes the paper on bridging information available in the CRC Handbook ²⁹ to assist the CRC in judging the acceptability of a notification of FRAs, with respect to criterion (b)(iii), where the notifying Party has used a risk evaluation from another country.

²⁶ The WHO/IPCS and OECD guidance is available at

<http://www.pic.int/Implementation/RessourcesKit/EvaluatingtheRisksofHazardousChemicals/tabid/1502/language/en-US/Default.aspx>.

²⁷ Article 15.3 of the Rotterdam Convention provides that Parties agree to cooperate, directly or, where appropriate, through competent international organizations, in the implementation of this Convention at the subregional, regional and global levels.

²⁸ See footnote 8.

²⁹ The Handbook of working procedure and policy guidance for the CRC (English) is available at

<http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
122	Establish an expert team to assist in questions related to the submission of FRAs	<p>– Switzerland (PA-3) proposes the establishment of a team of experts that can be consulted for questions on the notification of FRAs.</p> <p>- Argentina proposes the creation of instructive material such as guides or webinars for a better understanding of risk evaluations not based on risk assessments.</p>	<p>– Possible need of some Parties to benefit from assistance when drafting a FRA notification (Switzerland)</p>	<p>Implementation through a COP decision requesting the Secretariat to develop, based on nominations from Parties, a roster of experts willing to provide this service, or through the establishment of a new subsidiary body by the COP under Article 18(5)(a) of the Convention.</p> <p>Activities could also be implemented by individual Parties under Articles 15.3³⁰ and 16³¹ of the Convention.</p>
3. Actions to improve the identification of SHPFs				
130	Assist with identifying pesticide formulations that result in acute poisoning at the national level	<p>– Sri Lanka (PA-3) highlights the need for further assistance to finalize a study on pesticide formulations leading to acute poisoning in the occupational context at the national level. A previous study on the topic could not be finalised because of financial constraints, and insufficient coordination, cooperation and commitment of stakeholders.</p>	<p>– Need for more refined data on acute pesticide poisoning (Sri Lanka)</p>	<p>Implementation by individual Parties under Articles 15.2³² and 16³³ of the Convention.</p> <p>Activities to assist Parties with identifying pesticide formulations posing problems under conditions of use could also be part of the implementation of the TA plan.</p> <p><i>Note: The SHPF kit includes guidance on collecting data on pesticide poisoning (English), the FAO the guidelines on developing a reporting system for health and environmental incidents regulating from exposure to pesticides (English), the NIOSH guide for state-based programs on pesticide-related illness and injury surveillance (English) and a number of case studies and field tools.³⁴</i></p>
4. Actions to enhance the process of drafting and adoption of recommendations and draft DGDs by the CRC				
140	Strengthen the CRC	<p>– Honduras (PA-3) suggests strengthening the subsidiary organs of the Convention.</p>		<p>Implementation processes will depend on the type of measures envisaged.</p>
141	Increase the number of CRC members	<p>– Venezuela (PA-5) proposes increasing the number of CRC members to include more views and improve</p>		<p>Implementation must be in line with Article 18.6 (b) of the Convention (CRC is a body with a “limited” number of experts) and requires the adoption of a COP decision amending paragraph 1³⁵ of the Terms of Reference (ToRs) of the CRC.</p>

³⁰ See footnote 19.

³¹ See footnote 8.

³² See footnote 7.

³³ See footnote 8.

³⁴ See footnote 9.

³⁵ Paragraph 1 of the ToRs states that the CRC is composed of 31 members. The ToRs are set out in decision RC-1/6.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
142	Increase transparency in the work of the CRC	<p>information-exchange between the different regions.</p> <p>– Norway (PA-3) suggests strengthening the CRC by further increasing the transparency of its work, for example through the following actions:</p> <ul style="list-style-type: none"> • Considering the need for translating/interpreting documents and proceedings in all six languages • Considering opening the CRC for further involvement of observers by allowing early comments on task group reports, inviting comments on Decision Guidance Documents (DGD), and allowing (e.g. Parties) to participate in intersessional work • Consider mechanism to ensure optimal use of information that Parties that are not members of the CRC and that submitted an FRA for the considered chemical may have at their disposition 		<p>Implementation through a COP decision amending paragraph 10³⁶ of the ToRs of the CRC.</p> <p>Implementation through a COP decision supplementing the ToRs of the CRC or mandating the CRC to complement/amend its working procedures to that effect.</p> <p><i>Note:</i> The diagram in the Appendix provides an overview on opportunities for non-members to provide comments on task group report and draft DGDs according to the current procedures.</p> <p>Implementation through a COP decision supplementing the ToRs of the CRC or mandating the CRC to complement/amend its working procedures to that effect.</p>
143	Improve consistency of CRC recommendations	<p>– Australia (PA-4) suggests considering ways to improve the consistency with strategies and procedures that strengthen the foundation of the recommendations. Improving the predictability in how the CRC operates will improve the CRC recommendations, COP decisions, CRC nominations and compliance with the Convention more broadly. Potential areas to explore include:</p> <ul style="list-style-type: none"> • Increasing guidance on CRC procedures 		<p>Implementation through a COP decision supplementing the ToRs of the CRC or mandating the CRC to further specify its working procedures to that effect.</p>

³⁶ Paragraph 10 refers to paragraph 17 of the ToRs of the interim CRC, which provides that the meetings are held in English only and draft DGDs to be considered by the CRC and forwarded to the COP should be available in all six languages. The ToRs of the CRC are set out in decision RC-1/6.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> Entitling the CRC to seek information from external experts, private sector and public interest bodies or non-member Parties to assist deliberations (as in Persistent Organic Pollutants Review Committee of the Stockholm Convention (POPRC)³⁷) 		Implementation through a COP decision supplementing the ToRs of the CRC or mandating the CRC to complement/amend its working procedures to that effect.
144	Strengthen technical, scientific information in CRC recommendation	<ul style="list-style-type: none"> Mexico (PA-2) suggests measures to strengthen the technical and scientific justification of CRC recommendations, as national and international companies have questioned the validity and neutrality of CRC decisions (e.g. case of paraquat). 	<ul style="list-style-type: none"> Scientific, technical and statistical data prepared by the CRC could be more robust, such as by categorically documenting health and environmental effects associated with exposure to the candidate chemical (Mexico) 	Implementation through a COP decision supplementing the ToRs of the CRC or mandating the CRC to complement/amend its working procedures to that effect.
145	Create a framework for the discussion of objections to the recommendation at the CRC level	<ul style="list-style-type: none"> Mexico (PA-3) proposes that Parties that do not share the recommendation of the CRC could back up their position with sufficient anticipation, so that the CRC and other Parties can evaluate the objections and reformulate the recommendation, and that Parties may consider the objections before the COP. 	<ul style="list-style-type: none"> Some Parties don't have the institutional capacity to defend their opposition to the recommendation (Mexico) Some Parties lack inter-ministerial coordination to take collective and consensual decisions (Mexico) No obligation on Parties that oppose a listing recommendation to support their position with technical and scientific evidence (Mexico) 	<p>Implementation through a COP decision mandating the CRC to complement/amend its working procedures or work practice to that effect.</p> <p>The CRC procedures cannot however create new obligations on Parties that are not in the Convention text. This would require following the amendment procedure enshrined in the Convention.</p>
146	Supplement the information available in the DGD	<ul style="list-style-type: none"> Norway (PA-4) proposes to strengthen the information exchange under the Convention, including by: <ul style="list-style-type: none"> Encouraging Parties to share additional information and where possible, to include such information in DGDs; 		Implementation by individual Parties under Article 14.1 (a) ³⁸ of the Convention, for example, in combination with a COP decision encouraging

³⁷ See in particular paragraphs 10 to 14 of the ToRs of the POPRC. The ToRs were adopted by decision SC-1/7 and amended by decisions SC-4/20 and SC-5/11 and are available for downloading on the Stockholm Convention website at <http://chm.pops.int/TheConvention/POPsReviewCommittee/OverviewandMandate/tabid/2806/Default.aspx>

³⁸ Article 14.1 of the Rotterdam Convention provides that each Party shall facilitate: (a) The exchange of scientific, technical, economic and legal information concerning the chemicals within the scope of the Convention, including toxicological, ecotoxicological and safety information; (b) The provision of publicly available information on domestic regulatory actions relevant to the objectives of the convention; and (c) The provision of information to other Parties, directly or through the Secretariat on domestic regulatory actions that substantially restrict one or more uses of the chemical, as appropriate.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> Including information from other MEAs and IGOs in the DGDs where relevant and possible. 		<p>Parties to share information for the DGDs and/or establishment of mechanisms to facilitate collection/submission of that information.</p> <p>Implementation through a COP decision mandating the CRC to collect this information and complement the working procedures, if necessary.</p> <p><i>Note:</i> The CRC working papers for preparing DGDs for banned or severely restricted chemicals and for SHPFs already provides for the inclusion of information from IGOs including results of international reviews such as those of WHO/IPCS/JMPR/IARC.</p>
5. Actions to facilitate consensus-finding at the COP				
150	Promote a shared understanding of the listing procedure	<ul style="list-style-type: none"> Mexico (PA-4) proposes that the Secretariat offer training and disseminate information on the implications of listing a chemical in Annex III, as the business sector considers that listing implies a prohibition on trade. Switzerland (PA-5) proposes awareness-raising activities to increase the understanding about the purpose and value of the Rotterdam Convention and the implications of listing. Sustainable Development Goals (SDGs) related to sound chemicals management could be used to promote the activities. Colombia (PA-2) proposes measures to ensure that the WTO recognize and undertake to inform its members of the benefits of the PIC procedure, as regards competitiveness, sustainability, and rational management of chemicals. Colombia, in particular, suggests exploring the possibilities for signing a memorandum of understanding (MoU) with the WTO with regard to exchange and dissemination of information on the implementation of the Rotterdam Convention. 	<ul style="list-style-type: none"> Lack of resources to organize trainings and disseminate information (Mexico) Some information materials and webinars are only available in English (Mexico) Misconception among some stakeholders that the Rotterdam Convention restricts trade when it is in reality about information-sharing to promote a transparent and effective trading system (Switzerland) Need for improved understanding of and commitment to the implementation of the Convention and the rational management of chemicals by actors involved in the trade of chemicals (Colombia) 	<p>Implementation through public awareness activities and materials,</p> <p>Implementation through existing and/or new measures to enhance information-exchange with the WTO (MoU, joint TA activities, awareness-raising events during WTO meetings, etc.). The implementation process will depend on the type of measures envisaged.</p> <p><i>Note:</i> The Secretariat has sought observer status in the WTO Committee on Trade and Environment (CTE), as requested by the COP³⁹ (the request is pending). It also participates on an ad hoc basis and upon invitation in meetings of that body when relevant.</p>

³⁹ See decisions RC-1/15, RC-4-10 and RC-5/13.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
151	Clarify the basis for listing decisions at the Conference	<p>– Australia (PA-5) suggests examining the factors considered by Parties in making their listing decisions and whether these factors align with the Convention’s goals. Information on listing factors could serve as a basis for an analysis on the relationship between the CRC and the COP in the listing process, with the aim to reduce work duplications, minimise the re-production of positions and improve timeliness in decision-making.</p> <p>– Mexico (PA-5) proposes the elaboration of a methodology to guide Parties in taking national decisions on listing, taking into account environmental, commercial, agricultural production and health aspects to favour balanced decision-making. The Latin American and Caribbean Countries’ (GRULAC) representatives in the CRC rarely inform the region about discussions and work progress between the COPs. Mexico suggests, in particular, that the intersessional working group could propose a draft decision on the adoption of a methodology to COP-9.</p>	<p>– Lack of information on the factors considered by Parties when making a listing decision at COPs. Information on decision factors may provide insight on how to progress future listings. (Australia)</p> <p>– Lack of a methodology and technical and scientific criteria for Parties to back up their opposition to the listing of a chemical (Mexico)</p> <p>– Lack of a methodology on how CRC members should inform their region on the different themes discussed and to collect scientific information in the region for consideration by the CRC (Mexico)</p>	<p>Implementation through a COP decision mandating the Secretariat or an intersessional working group to collect the information and analyse the relationship between the CRC and COP.</p> <p>Implementation through a COP decision mandating the elaboration of a methodology, or adopting a methodology prepared by the intersessional working group.</p>
152	Promote a shared understanding of key terminology of the Convention	<p>– Australia (PA-2) suggests addressing disagreements and misunderstanding of the Convention’s mechanisms, processes and decision-making functions, by making key terminology of the listing process less ambiguous. To better enable Parties to consider the issue, Australia proposes an analysis on whether other Conventions were confronted with a similar issue and</p>	<p>– Lack of information on which terms require further clarification (Australia)</p> <p>– Lack of information on how other conventions have dealt with similar issues (Australia)</p>	<p>Implementation through, for instance:</p> <ul style="list-style-type: none"> • the intersessional working group, as part of its mandate to identify a set or prioritized recommendations for the COP, • as a follow-up to decision RC-8/14,⁴⁰ • through a new COP decision, tasking the Secretariat to undertake such an analysis.

⁴⁰ Paragraph 10 (a) of decision RC-8/14 on synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes requests the Secretariat to “seek, subject to the availability of resources, comments from parties and others on further areas, including areas common to two or three of the conventions, in which legal clarity could be improved as a means of preventing and combating illegal traffic and trade in hazardous chemicals and wastes and, based on those comments, to prepare a report, including recommendations, for consideration by the Conference of the Parties at its next meeting”.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<p>how they dealt with it. Possible solutions may include:</p> <ul style="list-style-type: none"> • Developing policy on key terminology; • Educating Parties on key terminology; • Providing more clarity in the text of the Convention. 		<p>Implementation through a COP decision mandating an intersessional working group to clarify key terminology (e.g. development of a glossary of terms for possible adoption by the COP).</p> <p>Implementation through public awareness activities and materials.</p> <p>Implementation through a COP decision amending⁴¹ the Convention text.</p> <p>The amendment enters into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by its entry into force. All other Parties continue to be bound by the original Convention text.</p> <p>If ratified/accepted/approved by all Parties, all Parties will be bound by the new Convention text. The clarifications could fulfil their purpose of enhancing the shared understanding of the procedures under the Convention and their operation.</p> <p>If not ratified/accepted/approved by all Parties, which is the more likely scenario, not all Parties will be bound by the same Convention text</p>
153	Improve the understanding of the effects of listing on trade	<ul style="list-style-type: none"> – Bahrain (PA-3) suggests analysing the impact of listing on the market, including an assessment of the scope of that impact. – Bahrain (PA-4) further proposes a study based on Party consultations as to how listing impacts on industry and other actors. – Canada (PA-4) proposes more work to determine what effects on trade other than those identified in the Secretariat study (UNEP/FAO/RC/COP.8/INF/21) result when a substance is listed. Criticism of the study stressed that although listing may not lead to an official ban, there may 	<ul style="list-style-type: none"> – The European Commission publication that is being prepared should be made available to all Parties (Bahrain) – Need to solicit information from industry on what factors hinder the export market of listed substances (Bahrain) – Lack of information on situations where listed pesticides become ineligible for funded projects (Canada) – Lack of information on whether the listing of a chemical triggers prohibitions or restrictions or whether it does not affect trade among those 	<p>Implementation by a COP decision mandating the Secretariat to make the publication of the European Commission available to all Parties, upon its completion.</p> <p>Implementation through a COP decision mandating the Secretariat to conduct a survey to gather information from industry on export impediments for listed substances.</p> <p>Implementation through a COP decision mandating the Secretariat to undertake further work on the topic.</p> <p><i>Note: A first study of information on the impacts of listing chemicals in Annex II to the Rotterdam Convention considered at COP-8 is available in document UNEP/FAO/RC/COP.8/INF/21.</i></p>

⁴¹ The procedure for proposing and adopting amendments to the Convention text is set out in Article 21 of the Rotterdam Convention. The amendment must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 21.1 and 21.2 of the Convention). The COP then decides on the adoption of the amendment by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 21.3 of the Convention). Following the adoption, the amendment is communicated to all Parties.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<p>be indirect effects such as the ineligibility of a listed pesticide for certain funded projects.</p> <ul style="list-style-type: none"> – Peru (PA-2) proposes the development of a study on impacts resulting from the listing of a chemical in Annex III and prohibitions or restrictions that may be triggered by the listing. – Switzerland (PA-4) proposes a study on the impacts of listing, providing a realistic picture of what happens when a chemical is listed. 	<p>Parties that decide to continue using the chemical (Peru)</p> <ul style="list-style-type: none"> – Lack of realistic picture of the impacts of listing a chemical in Annex III, including whether listing triggers bans at the national level, whether listing results in an increase of FRAs and whether listing stimulates the development and use of alternatives (Switzerland) 	
154	Permit a flexible entry into force of the PIC procedure for individual States	<ul style="list-style-type: none"> – The EU and its member States (PA-3) propose amending the Convention to allow for flexibility with regard to the entry into force and/or acceptance of listing decisions by individual Parties. The national needs of some Parties could be taken into account in the listing decision, for example by providing for the deferred entry into force of the decision for that Party or including a possibility to opt out of the listing. The EU and its member States suggest that the wording could be amended as follows: “The amendment shall enter into force on the date(s) to be specified in the decision” or “the amendment shall enter into force as specified in the decision”. 	<ul style="list-style-type: none"> – Lack of information on the legal options for and consequences of such an amendment (EU and its member States) – Lack of information on procedural requirements and steps for implementation (EU and its member States) – Lack of information on the timeline for implementing the amendment (EU and its member States) – Lack of information on practical consequences for the implementation for the Convention (EU and its member States) 	<p>Implementation through a COP decision amending⁴² Article 22.5 (c), 2nd sentence,⁴³ of the Convention: The amendment either provides for the possibility for the COP to decide on different dates for the entry into force of the decision amending Annex III (option A), or it provides for the possibility to opt out (i.e. addition of text similar to Article 22.3 (b) of the Stockholm Convention⁴⁴) (option B).</p> <p>The amendment enters into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by it. All other Parties continue to be bound by the original Convention text.</p> <p>If ratified/accepted/approved by all Parties, the amendment would enable the COP to decide on different dates of entry into force of the amendment for any given individual Party or groups of Parties (option A), or the Convention would provide the possibility for a Party to notify the depositary that it is unable to accept the amendment (option B), thereby establishing variations in</p>

⁴² The procedure for proposing and adopting amendments to the Convention text is set out in Article 21 of the Rotterdam Convention. The amendment must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 21.1 and 21.2 of the Convention). The COP then decides on the adoption of the amendment by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 21.3 of the Convention). Following the adoption, the amendment is communicated to all Parties.

⁴³ Article 22.5 (c) of the Rotterdam Convention provides that “[a] decision to amend Annex III shall forthwith be communicated to the parties by the Depositary. The amendment shall enter into force for all Parties on a date to be specified in the decision.”

⁴⁴ Article 22.3 (b) of the Stockholm Convention provides that “[a]ny Party that is unable to accept an additional annex shall so notify the depositary, in writing, within one year from the date of communication by the depositary of the adoption of the additional annex. The depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of any additional annex, and the annex shall thereupon enter into force for that Party subject to subparagraph (c).”

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
				<p>the dates of coming into effect of the obligations associated with the PIC procedure (Article 10).</p> <p>If the amendment comes into effect without being ratified/accepted/approved by all Parties, which is the more likely scenario, the possible legal and operational implications may need to be further explored. The preliminary information in the following paragraphs answers the request for the Secretariat to present in the present report information on the legal and operational implications of this scenario. Parties may however wish to request the Secretariat to seek the views of Parties on the matter, and/or to seek a legal opinion from the Office of Legal Affairs of the United Nations.</p> <p>The preliminary view is that if the amendment enters into force without being ratified/accepted/approved by all Parties, it will create two separate sets of rights and obligations for Parties. For Parties bound by the original Article 22.5 (c), the decision amending Annex III would come into force on a date to be specified in the decision.</p> <p>For Parties bound by the amended Article 22.5 (c), the implications depend on the nature of the amendment:</p> <p>If option A is followed, the COP could decide on different dates of entry into force of the amendment to Annex III for individual Parties or groups of Parties that have ratified/accepted/approved the amendment to Article 22.5 (c). If this decision to amend Annex III can be taken by consensus, by all Parties to the Convention, the existence of two parallel sets of rights and obligations would not impair the listing process. However, if the decision to amend Annex III cannot be taken by consensus by all Parties to the Convention, it would appear that two distinct decisions to list a chemical in Annex III would need to be adopted.</p> <p>If option B is followed, the decision to list a chemical in Annex III would not be affected as it is the Convention text that would give the possibility to a Party bound by the amended Article 22.5 (c) to notify the depositary that it is unable to accept the amendment.</p> <p>Under both options A and B, the amended Article 22.5 (c) would establish variations in the dates of coming into effect of the obligations associated with the PIC procedure (Article 10).</p>

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
	6. Actions to amend the decision-making process for listing chemicals			
160	Subject chemicals to a voluntary PIC procedure, where a (qualified) majority of Parties agrees to their listing	<ul style="list-style-type: none"> – Canada (PA-1) proposes continued use of Article 14 to as a means for Parties to implement a voluntary PIC mechanism for substances that have no yet achieved consensus. – The EU and its member States (PA-2) propose the adoption of standalone decision at the Conference of the Parties that invite Parties to apply the PIC procedure on a voluntary basis to chemicals for which consensus could not be reached. Parties would have the possibility to subscribe to that voluntary procedure either during the Conference or later on. The voluntary procedure would apply until the next Conference. Such a mechanism has the advantages of ensuring that chemicals are kept on the agenda of the Conference of the Parties and of allowing all Parties that support the listing to apply the PIC procedure and benefit from the control procedures established by the Convention. The decision could also mandate the Secretariat to exercise certain responsibilities with regard to the implementation of the voluntary PIC procedure. 	<ul style="list-style-type: none"> – Lack of information on the legal options for and consequences of such an amendment (EU and its member States) – Lack of information on procedural requirements and steps for implementation (EU and its member States) – Lack of information on the timeline for implementing the amendment (EU and its member States) – Lack of information on practical consequences for the implementation for the Convention (EU and its member States) 	<p>Implementation by individual Parties under Article 14.1⁴⁵ of the Convention, for example in combination with a COP decision inviting Parties to inform other Parties of their decisions regarding import and management of chemicals for which listing in Annex III could not be decided.</p> <p><i>Note:</i> The COP has previously adopted decisions with respect to chemicals for which listing in Annex III could not be decided to encourage Parties to make use of all available information to assist others, in particular developing Parties and Parties with economies in transition, to make informed decisions regarding import and management of the substance and to inform other Parties of those decisions using the information-exchange provisions of Article 14.⁴⁶</p> <p>Implementation through COP decisions inviting Parties to apply the PIC procedure on a voluntary basis. This approach requires a new decision for each chemical for which consensus could not be reached.</p>

⁴⁵ See footnote 30.

⁴⁶ See, for example, decisions RC-3/3 and RC-4/4 (on chrysotile asbestos), RC-4/6 (on endosulfan), RC-6/8 (on liquid formulations containing paraquat, RC-8/6 (on carbosulfan), and RC-8/7 (on fenthion).

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> The EU and its member States (PA-4) suggest amending the Convention to establish a new Annex for chemicals for which it is not possible to reach consensus in order to subject them to a voluntary PIC procedure. Chemicals would automatically be listed in this new annex if the Conference of the Parties failed to list them. 	<ul style="list-style-type: none"> Lack of information on the legal options for and consequences of such an amendment (EU and its member States) Lack of information on procedural requirements and steps for implementation (EU and its member States) Lack of information on the timeline for implementing the amendment (EU and its member States) Lack of information on practical consequences for the implementation for the Convention (EU and its member States) 	<p>Implementation through a COP decision adopting⁴⁷ an additional annex.⁴⁸</p> <p>The new annex enters into force one year after its notification. Only Parties that did not declare that they are unable to accept the additional annex will be bound by the new annex upon its entry into force.</p> <p>Parties would also need to consider the procedure for amending the new annex each time there is a failure to reach consensus on a listing if the intention is for this procedure to derogate from the Convention text (Article 22.3).</p>
161	Subject chemicals to the PIC procedure, where a (qualified) majority of Parties agrees to their listing	<ul style="list-style-type: none"> Australia (PA-1) proposes to further consider options to amend the listing process for Annex III, including the proposal to allow for the listing decision to be taken by a three-fourth majority as a measure of last resort, or to add a new annex for chemicals that did not reach consensus. To better enable Parties to consider the issue, Australia proposes an analysis on whether other conventions were confronted with a similar issue and how they dealt with it. 	<ul style="list-style-type: none"> Lack of information on whether other conventions amended their text to address similar problems and what the practical outcome of those amendments was (Australia) 	<p>Implementation through the intersessional working group, as part of its mandate to identify a set or prioritized recommendations for the COP, or through the COP, tasking the Secretariat to undertake such an analysis.</p>

⁴⁷ The procedure for proposing and adopting new annexes to the Convention text is set out in Article 22 of the Rotterdam Convention. The new annex must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 22.3 (a) of the Convention). The COP then decides on the adoption of the new annex by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 22.3 (a) of the Convention). Following the adoption, the new annex is communicated to all Parties. Parties that are unable to accept an additional annex must so notify the Depositary, in writing, within one year from the date of communication (Article 22.3 (b) of the Convention).

⁴⁸ Article 22.1 of the Rotterdam Convention provides that “Annexes shall be restricted to *procedural, scientific, technical or administrative* matters”. The annex would need to be legally grounded in the Convention text. The scenario is distinct from the case of the adoption of the Annexes VIII and IX to the Basel Convention, which were an elaboration of an existing annex (Annex I). Determination of the legal basis in the Convention text for the suggested voluntary PIC mechanism may require further analysis of the different articles of the Convention that could serve as a basis for its adoption (e.g. the obligations of Article 14 on information exchange or an amendment to the Convention).

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> – Bahrain (PA-1) suggests changing the decision-making for listing, to ensure that no State as veto power to oppose listing, where a vast majority supports the listing. – Canada (PA-2) highlights the need for a robust and informed discussion on the legal and operational impacts, challenges as well as benefits, of allowing for chemicals to be listed by vote by amending the text of the Convention. – Ecuador (PA-1) proposes to change the voting procedure, because the efforts of some countries to provide studies on the effects of those substances did not have the expected impact on the COP. Ecuador recalls that the object of including chemicals in Annex III is to address human health and environmental problems, not to guarantee commercial interests. – The EU and its member States (PA-5) suggest the adoption of an amendment to the Convention to the effect to change the listing procedure and allow for a majority vote as a measure of last resort where it is impossible to reach consensus. The new voting mechanism should ensure that a majority decision is binding for all Parties that have ratified the amendment. All decisions adopted by consensus would be handled by the normal procedure. – Switzerland (PA-1) suggests exploring, in a process including Parties 	<ul style="list-style-type: none"> – Lack of analysis as to why consensus could not be reached in specific cases (Bahrain) – Lack of information on Parties' views, rationales and barriers moving forward (Canada) – Lack of information on legal aspects related an amendment of the listing procedure (Ecuador) – Lack of legal opinions on the consequences of the amendment (EU and its member States) – Lack of information on procedural requirements and steps for the implementation of the amendment (EU and its member States) – Lack of information on the timeline for implementing the amendment (EU and its member States) – Lack of information on practical consequences for the implementation for the Convention (EU and its member States) 	<p>Implementation through a COP decision amending⁴⁹ Article 22.5 (b)⁵⁰ of the Convention.</p> <p>The amendment enters into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by its entry into force. All other Parties (max. one fourth of the Parties) continue to be bound by the original Convention text.</p> <p>If ratified/accepted/approved by all Parties, all Parties will be bound to apply the PIC procedure upon entry into force of the decision amending Annex III.</p> <p>If not ratified/accepted/approved by all Parties, which is the more likely scenario, the possible legal and operational implications may need to be further explored. The preliminary information in the following paragraphs answers the request for the Secretariat to present in the present report information on the legal and operational implications of this scenario. Parties may however wish to request the Secretariat to seek the views of Parties on the matter, and/or to seek a legal opinion from the Office of Legal Affairs of the United Nations.</p> <p>The preliminary view is that if the amendment enters into force without being ratified/accepted/approved by all Parties, it will create two separate sets of rights and obligations for Parties. The impact of this dual regime will not raise implications in practice if the decision amending Annex III is adopted by consensus. If however Parties are unable to reach agreement by consensus on amending Annex III, then only the Parties bound by the amended Article 22.5 (b) could proceed with decision-making by voting, and if a decision is adopted to list a chemical, only those Parties would be bound by the decision listing the chemical and the obligations associated with the PIC procedure (Article 10).⁵¹</p> <p><i>Note:</i> Available information includes the thought starter on “Ensuring the continued effectiveness of the Rotterdam Convention”</p>

⁴⁹ The procedure for proposing and adopting amendments to the Convention text is set out in Article 21 of the Rotterdam Convention. The amendment must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 21.1 and 21.2 of the Convention). The COP then decides on the adoption of the amendment by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 21.3 of the Convention). Following the adoption, the amendment is communicated to all Parties.

⁵⁰ Article 22.5 (b) of the Rotterdam Convention provides that “[t]he Conference of the Parties shall take its decision on adoption by consensus”.

⁵¹ A similar situation may also occur under the Stockholm Conventions, for example. The Stockholm Convention allows for the possibility to list new POPs by a three-quarter majority decision.⁵¹ Individual Parties may, however, opt out of any amendment by notifying their objection to the Secretariat.⁵¹ Where a Party has made such a notification, the Convention regime does not apply to that Party for that specific chemical.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<p>only, how different options of amending the Convention could increase its effectiveness. This should include the option of amending the listing process to enable voting.</p> <ul style="list-style-type: none"> – Yemen (PA-3) proposes amending the procedure for amending Annex III. It also refers to the option of increased information-exchange through the Secretariat. 		<p>(UNEP/FAO/RC/COP.4/13) and the documentation on the amendments proposed at COP8 (UNEP/FAO/RC/COP.8/16/Add.1).</p>
162	<p>Subject chemicals to the PIC procedure, where a (qualified) majority of Parties agrees to their listing, with the possibility to opt out</p>	<ul style="list-style-type: none"> – Mexico (PA-1) suggests modifying the decision-making process for listing chemicals to align it with the listing process under the Stockholm Convention to avoid that some chemicals remain unlisted for several COPs. 	<ul style="list-style-type: none"> – Lack of understanding of the complexities involved in modifying Article 22.5 to align it with Article 21.3 of the Stockholm Convention (Mexico) 	<p>Implementation through a COP decision by amending⁵² Articles 22.4 and 22.5⁵³ of the Convention.</p> <p>The amendment enters into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by its entry into force. All other Parties continue to be bound by the original Convention text.</p> <p>If ratified/accepted/approved by all Parties, the amendment will create two separate sets of rights and obligations for each newly listed chemical, unless none of the Parties chooses to opt out of a decision listing a specific chemical.⁵⁴</p> <p>If not ratified/accepted/approved by all Parties, which is the more likely scenario, the possible legal and operational implications may need to be further explored. The preliminary information in the following paragraphs answers the request for the Secretariat to present in the present report information on the legal and operational implications of this scenario. Parties may however wish to request the Secretariat to seek the views of Parties on the matter, and/or to seek a legal opinion from the Office of Legal Affairs of the United Nations.</p>

⁵² The procedure for proposing and adopting amendments to the Convention text is set out in Article 21 of the Rotterdam Convention. The amendment must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 21.1 and 21.2 of the Convention). The COP then decides on the adoption of the amendment by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 21.3 of the Convention). Following the adoption, the amendment is communicated to all Parties.

⁵³ Article 22.4 *ab initio* of the Rotterdam Convention makes reference to “Except in the case of Annex III”. Article 22.5 of the Rotterdam Convention provide that “[t]he Conference of the Parties provides for the special procedure to amend Annex III.

⁵⁴ This is also the situation of the Stockholm Conventions, for example. The Stockholm Convention allows for the possibility to list new POPs by a three-quarter majority decision.⁵⁴ Individual Parties may, however, opt out of any amendment by notifying the Depository that they are unable to accept it. Where a Party has made such a notification, the Convention regime does not apply to that Party for that specific chemical.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
				<p>The preliminary view is that if the amendment enters into force without being ratified/accepted/approved by all Parties, it would appear to create three separate sets of rights and obligations for Parties. The first set would apply to those Parties that have not ratified/accepted/approved the amendment of Articles 22.4 and 22.5. They would only be bound by the obligations associated with the PIC procedure (Article 10) if Parties reach agreement by consensus on amending Annex III.</p> <p>However, if Parties are unable to reach agreement by consensus on amending Annex III, the Parties that ratified/accepted/approved the amendment of Articles 24 and 22.5 could proceed with decision-making by voting. If a decision is adopted to list a chemical, a Party that has ratified/accepted/approved the amendment of Articles 22.4 and 22.5 would be bound by the decision to list the chemical and the obligations associated with the PIC procedure (Article 10) (second set of rights and obligations), unless it decides to opt out (third set of rights and obligations).</p>

Category B: The PIC procedure

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
	1. Actions to improve compliance with the obligation to transmit export notifications			
210	Encourage producer countries to transmit export notifications to developing countries before exporting dangerous chemicals	– The Democratic Republic of the Congo (PA-3) proposes measures to encourage pesticide producer countries to notify exports in a responsible manner before exporting hazardous chemicals to developing countries.		<p>Implementation through public awareness activities and materials.</p> <p>Could potentially be included in the general review mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330).</p> <p><i>Note:</i> The Convention only requires that an exporting State transmits an export notification if that State has severely restricted or banned the chemical that is exported.⁵⁵ RC-7/2 requested the Secretariat to provide assistance to Parties, upon request, in implementing Articles 11.2(c) and 12.</p>

⁵⁵ See Article 12.1 of the Rotterdam Convention.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
211	Assist importing Parties to acquire the necessary logistic means to promptly acknowledge receipt of export notifications	– The Democratic Republic of the Congo (PA-4) proposes that Rotterdam Convention Designated national authorities (DNAs) be equipped with the necessary logistical means (computer, internet connection) to provide real-time replies to export notifications.		Implementation through the TA plan or technology transfer.
212	Send only one notification per chemical	– Kuwait (PA-2) proposes that chemical notifications should not be sent several times even where the Party has responded, as this creates confusion because the chemical is studied with each notification a new.	– Notifications should only be sent once to avoid confusions (Kuwait)	The proposal would benefit from further elaboration. <i>Note:</i> The Convention obliges exporting Parties to resend an export notification before the first export in every calendar year, if it has adopted a major change to the FRA in question, or if it did not receive an acknowledgement of receipt by the importing Party within 30 days of notification. The obligation to notify before the first export in any calendar year may be waived by the importing Party. ⁵⁶
2. Actions to improve Parties' provision of import responses				
220	Expedite national process to adopt import responses	– Bosnia and Herzegovina (PA-1) identifies the preparation and submission of and import response for each listed chemical as a priority action at the national level.	– Different regulatory regimes in different parts of the country and corresponding delays in the process of adopting national import responses (Bosnia and Herzegovina)	Implementation by individual Parties under Article 15.1 ⁵⁷ of the Convention. Activities to assist Parties in expediting national processes for the adoption of import responses could also be part of the TA plan. Could potentially be included in the general review mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330).
221	Create new mechanisms to assist developing countries with adopting and enforcing import responses	– Yemen (PA-5) proposes the creation of mechanisms to help Parties, in particular developing countries, adopt and give effect to their import decisions. This includes: <ul style="list-style-type: none">• Greater efforts to ensure that scientific information is synthesized and presented in a clear way to be useful to decision-makers and non-specialist stakeholders.	– Lack of capacity in developing countries, such as inadequate IT equipment, limited ability to access background materials, limited data interpretation capacity, and limited access to decision support systems (Yemen) – Insufficient information relevant to developing countries, such as information on alternatives (Yemen) – Limited sharing of information within the region, which is made more	Implementation processes will depend on the type measures envisaged. <i>Note:</i> The resource kit ⁵⁸ includes the health and safety guides (HSGs) that provide concise information, using non-technical language, for decision-makers on risks

⁵⁶ See Article 12 of the Rotterdam Convention.

⁵⁷ See footnote 16.

⁵⁸ The resource kit is available at <http://www.pic.int/Implementation/ResourceKit/tabid/1064/language/en-US/Default.aspx>.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> • A platform for information-sharing about national regulatory decisions on chemicals and pesticides should be made available in all six languages to help Parties learn more about the characteristics of potentially hazardous chemicals that may be imported. 	<p>difficult by frequent changes of OCPs (Yemen)</p> <ul style="list-style-type: none"> – Lack of mechanism to assist countries, particularly developing countries in implementing the Convention (Yemen) 	<p>from exposure to chemicals, together with practical advice on medical and administrative issues.⁵⁹</p> <p>Could be implemented in the context of the development of the clearing-house mechanism for information exchange.</p>
3. Actions to improve Parties' control of chemicals imports				
230	Train national authorities with respect to the development of import standards	– Ecuador (PA-2) suggests providing training to customs and commercial authorities with respect to the development of standards for identifying pesticides and hazardous chemicals at import controls, based on experiences in other countries.	<ul style="list-style-type: none"> – Lack of knowledge on standards for import controls for chemicals (Ecuador) – Lack of exchange of experiences with other countries on the application of import controls for chemicals (Ecuador) 	<p>Implementation by individual Parties under Articles 15.1⁶⁰ and 16⁶¹ of the Convention.</p> <p>Activities to train customs and commercial authorities could also be part of the TA plan.</p> <p><i>Note:</i> Decisions RC-8/14 requested the Secretariat to support Parties, upon request and within available resources, on matters pertaining to the implementation and enforcement of the provisions aimed at controlling the export and import of chemicals, including the development and updating of national legislation or other measures. Training activities organized by the Rotterdam Convention Secretariat targeting customs authorities are carried out through the Green Customs Initiative (GCI). Furthermore, relevant information on the Rotterdam Convention has been made available through the World Customs Organization (WCO) training centres, customs enforcement network and website.</p>

⁵⁹ The reference and link to the HSGs is available in Section E.3 of the resource kit at <http://www.pic.int/Implementation/RessourcesKit/SourcesofInformationonHazardousChemicals/tabid/1503/language/en-US/Default.aspx>.

⁶⁰ See footnote 16.

⁶¹ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		– Afghanistan (PA-4) proposes the development of national standards for goods (e.g. consumer goods) containing chemicals.	– Lack of information on production, trade and uses of chemicals (Afghanistan) – Lack of information on hazardousness (Afghanistan) – Lack of information on supply chains (Afghanistan)	The specific issue of pollution standards for imported goods falls outside the scope of the Rotterdam Convention.
231	Assist with the development of trade control mechanisms	– Jordan (PA-4) identifies the need at the national level to establish a mechanism to restrict trade in chemicals as a result of their listing. Argentina proposes to entrust to the Rotterdam Secretariat the correct customs nomenclature of the chemical substances and products affected by the Convention through an active participation during the World Customs Organization sessions.	– Lack of financial and technical capacity to carry out studies on the risks of chemicals (Jordan)	Implementation by individual Parties under Articles 15.1 ⁶² and 16 ⁶³ of the Convention. Activities to assist Parties with establishing trade control mechanisms could also be part of the TA plan.
232	Assist with the development and operation of analytical laboratories for import controls	– Afghanistan (PA-3) identified the need for analytical laboratories to analyse and detect hazardous materials in imported goods, including established procedure to conduct the analyses (protocols on the collection of samples, drafting of technical reports, safe management at Customs)	– Lack of information on chemicals and their adverse effects (Afghanistan) – Lack of data on chemical release (Afghanistan) – Lack of data on soil, water, waste sludge, etc. contamination (Afghanistan) – Lack of monitoring data to inform policies (Afghanistan)	Implementation by individual Parties under Articles 15.1 ⁶⁴ and 16, ⁶⁵ through the TA plan and/or technology transfer. <i>Note:</i> Training activities organized by the Rotterdam Convention Secretariat targeting customs authorities are carried out under the TA plan and through the GCI. Furthermore, relevant information on the Rotterdam Convention has been made available through the WCO training centres, customs enforcement network and website. Available guidance includes the fact sheet on the role of customs in the implementation of the Rotterdam Convention, the training manual for customs officers on hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm conventions, ⁶⁶ the case studies on customs-related aspects of the Rotterdam convention, the green customs guide to multilateral environmental agreements (MEAs), and the manual on compliance with and enforcement of MEAs.

⁶² See footnote 16.

⁶³ See footnote 8.

⁶⁴ See footnote 16.

⁶⁵ See footnote 8.

⁶⁶ The training manual for customs officers on hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm Conventions is available at <http://synergies.pops.int/Implementation/TechnicalAssistance/ToolsandMethodologies/ManualforCustomsOfficers/tabid/4457/language/en-US/Default.aspx>. All other guidance documents mentioned in the note are available at <http://www.pic.int/Implementation/Customs/DocumentsLinks/tabid/1614/language/en-US/Default.aspx>.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
233	Assign HS codes to all compounds listed in Annex III	– Sri Lanka (PA-5) proposes to assign Harmonized System codes (HS codes) for the full spectrum of compounds listed in Annex III, for better identification of pesticides.	– Poor customs awareness (Sri Lanka)	The assignation of HS codes falls within the mandate of the WCO (the Secretariat already requested the assignment of HS codes for all newly listed chemicals, this work is ongoing). <i>Note:</i> The list of assigned HS codes is available on the Convention website. ⁶⁷
4. Actions to improve the implementation of the PIC procedure in general				
240	Promote and improve the PIC circular	– Norway (PA-4) proposes to strengthen the information exchange under the Convention, including by: <ul style="list-style-type: none"> • Promoting a more active use of the PIC Circular at the national level • Improving the format of the PIC circular to make it more user-friendly. 		Implementation through public awareness activities and materials. <i>Note:</i> The resource kit includes the user's guide for the PIC circular (Arabic, English, French, Russian, Spanish) Implementation through the Secretariat.
241	Improve support mechanisms for the implementation of the PIC procedure in developing countries	– Australia (PA-3) proposes review and further improvement of support mechanisms for developing countries to implement the PIC procedure and associated administrative processes, such as by: <ul style="list-style-type: none"> • Providing support • Increasing education and awareness campaigns 	– Lack of information on support mechanisms used under other conventions providing for a PIC procedure and their success (Australia)	As regards the lack of information on other Conventions, implementation could be: <ul style="list-style-type: none"> • through the intersessional working group, as part of its mandate to identify a set or prioritized recommendations for the COP, • through the COP, tasking the Secretariat to gather such information and undertake such an analysis • potentially included in the general review mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330) Implementation by individual Parties under Article 16 ⁶⁸ of the Convention and through the TA plan. Implementation through public awareness activities and materials. <i>Note:</i> The resource kit includes a leaflet on the Rotterdam Convention and the PIC procedure (English, French, Spanish), and a leaflet on international trade control measures under the Basel, Rotterdam and Stockholm Conventions. Furthermore, the Guidance to DNAs on the operation of the Rotterdam Convention (Arabic, English, French, Russian, Spanish) includes a chapter on the PIC procedure. ⁶⁹

⁶⁷ See <http://www.pic.int/TheConvention/Chemicals/HarmonizedSystemCodes/tabid/1159/language/en-US/Default.aspx>.

⁶⁸ See footnote 8.

⁶⁹ See <http://www.pic.int/Implementation/ResourceKit/tabid/1064/language/en-US/Default.aspx>.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> Parties offering mentoring or secondments Developing model regulatory frameworks 		<p>Implementation by individual Parties under Article 16⁷⁰ of the Convention.</p> <p>Implementation through the TA plan.</p> <p>Could potentially be included in the mandate of the compliance committee proposed to be established in terms of Article 17 (See PA 330).</p> <p><i>Note:</i> Available guidance materials include the Guide on the Development of National Laws (Arabic, Chinese, English, French, Russian, Spanish) and three legal case studies on implementation (Arabic, Chinese, English, French, Russian, Spanish).⁷¹ Furthermore, decision RC-8/14 requested the Secretariat to support Parties, upon request and within available resources, on matters pertaining to the implementation and enforcement of the provisions aimed at controlling the export and import of chemicals, including the development and updating of national legislation or other measures, and to develop examples of the integration of the provisions of the Basel, Rotterdam and Stockholm conventions into national legal frameworks and to organize training activities, subject to the availability of resources and in collaboration with partners, to assist Parties, particularly developing-country Parties and Parties with economies in transition, in the development of national legislation and other measures to implement and enforce the provisions of the convention aimed at controlling the export and import of chemicals and wastes covered under the conventions.</p>
242	Create an online system for managing requests for prior consents and respective answers	– Costa Rica (PA-3) proposes setting up an online system for the management of request for prior consent and respective answers.	– Need for greater flexibility in the PIC system (Costa Rica)	<p>Could be implemented in the context of the development of the clearing-house mechanism for information exchange.</p> <p><i>Note:</i> Some of the PIC procedures are already available as only system, such as for the submission of import responses⁷² and FRA notifications⁷³.</p>

⁷⁰ See footnote 8.

⁷¹ The mentioned guidance documents are available in the resource kit at <http://www.pic.int/Implementation/RessourceKit/tabid/1064/language/en-US/Default.aspx#GUIDANCEINFO>.

⁷² See <http://www.pic.int/Procedures/ImportResponses/FormandInstructions/tabid/1165/language/en-US/Default.aspx>.

⁷³ See <http://www.pic.int/Procedures/NotificationsofFinalRegulatoryActions/FormandInstructions/tabid/1182/language/en-US/Default.aspx>.

Category C: Overall effectiveness of the Convention

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
1. Actions to promote awareness at the national level				
310	Raise awareness on the Convention and its objectives	<ul style="list-style-type: none"> – Costa Rica (PA-1) proposes training to DNAs and OCPs on the Rotterdam Convention and synergies with the Basel and Stockholm Conventions. – The EU and its member States (PA-1) suggest enhancing the implementation of the Convention by improving the transparency of the implementation of the Convention at the national level and by raising awareness on the obligations of Parties and stakeholders. Furthermore stakeholders (exporters, users) could be involved in the national implementation process to ensure that they are fully aware of the consequences and benefits of listing a chemical. – Honduras (PA-1) proposes ongoing trainings for DNAs and OCPs on Parties' obligations under the Convention. – Norway (PA-5) proposes awareness-raising activities to ensure that relevant stakeholders (national governments, industry, etc.) have correct information on the Convention and its objectives. – Uganda (PA-1) proposes actions to ensure the understating of the aims, objectives and requirements of the Convention. – Uganda (PA-3) highlights that the general awareness on MEAs, including the Rotterdam Convention is low. The scarcity of awareness materials at the national level, their complexity, the lack of a national communication strategy, and the failure to 	<ul style="list-style-type: none"> – Lack of understanding by DNAs and OCPs of some aspects of the Convention (Costa Rica) – Often times authorities are unaware of the obligations derived from the Convention and no one is responsible for following-up on the theme (Honduras) – Lack of technical assistance from the RC Secretariat for awareness campaigns for stakeholders covering aims, objectives and requirements of the Convention (Uganda) – Inadequate awareness on MEA including the Rotterdam Convention (Uganda) – Inadequate integration of MEAs regulating chemicals into educational programs (Uganda) 	<p>Implementation through public awareness activities and materials.</p> <p><i>Note:</i> The resource kit includes the guidance document to DNAs on the operation of the Rotterdam Convention (Arabic, English, French, Russian, Spanish).⁷⁴</p>

⁷⁴ The Guidance to DNAs on the Operation of the Rotterdam Convention is available at <http://www.pic.int/Implementation/RessourceKit/tabid/1064/language/en-US/Default.aspx#GUIDANCEINFO>.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		include MEAs into educational programs contribute to the low level of public awareness.		
311	Awareness on risks associated with chemicals	– The Democratic Republic of the Congo (PA-5) proposes measures to equip DNAs with the necessary means to raise awareness on the risks associated with handling pesticides and hazardous chemicals.		Implementation by individual Parties under Articles 14.1 ⁷⁵ and 15.2 ⁷⁶ of the Convention and through public awareness activities and materials. <i>Note:</i> Several documents developed under Rotterdam can be used for awareness-raising at the national level, including the guide to protect children from pesticides (Arabic, English, French, Spanish, Russian, Portuguese), the e-learning course on pesticide management and child labour prevention (English, French, Spanish) and the leaflet on sustainable alternatives to endosulfan in coffee farms (Arabic, English, Chinese, French, Russian, Spanish, Portuguese). The resource kit also includes the IPCS health and safety guide. Furthermore, guidance materials on vulnerable groups will be made available and disseminated as part of the current TA plan.
2. Actions to improve information-exchange between Parties and the Secretariat and between Parties				
320	Improve information-exchange	– Norway (PA-4) proposes to strengthen the information exchange under the Convention, including by exploring new ways for information exchange among parties in line with article 14 (e.g. workshops, websites, etc.) for Parties to share information (open data, databases, tools, etc.) supporting implementation at the national level. – Panama (PA-1) suggests improving the information-exchange between the Parties and the Secretariat and between Parties by establishing regional networks for information-exchange. These would	– Little real-time information-exchange between Parties and the Secretariat and between Parties – Lack of online platform to submit national information. The use of	Implementation by individual Parties under Article 14.1 ⁷⁷ of the Convention. Activities to assist Parties in improving information-exchange could be implemented in the context of the development of the clearing-house mechanism for information exchange. Implementation by individual Parties under Articles 14.1 ⁷⁸ and 15.3 ⁷⁹ of the Convention. Activities to assist Parties in improving information-exchange could be implemented in the context of the development of the clearing-house mechanism for information exchange.

⁷⁵ See footnote 30.

⁷⁶ See footnote 7.

⁷⁷ See footnote 30.

⁷⁸ See footnote 30.

⁷⁹ See footnote 19.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<p>directly communicate with the Secretariat and other regional networks.</p> <ul style="list-style-type: none"> – Costa Rica (PA-2) proposes the organization of regional meetings of DNAs and OCPs on the implementation of the Convention. – The EU and its member States (PA-1) propose enhancing the implementation of the Convention by improving information exchange on chemicals that are listed or recommended for listing, such as information on FRAs to ban or severely restrict chemicals, including risk evaluations of Parties carried out in the context of FRA notifications and export notifications. 	<p>regular channels for information transmission delays access to that information</p> <ul style="list-style-type: none"> – Different opinions on the implementation of the Convention 	<p>Implementation by individual Parties under Article 15.3⁸⁰ of the Convention.</p> <p>The organization of regional meetings could also be part of the implementation of the TA plan.</p> <p>Implementation by individual Parties under Articles 14.1⁸¹ of the Convention.</p> <p>Activities to assist Parties in improving information-exchange could be implemented in the context of the development of the clearing-house mechanism for information exchange.</p>
321	Ensure that information from Parties is sought proactively	<ul style="list-style-type: none"> – Venezuela (PA-2) proposes that the Secretariat proactively approaches Parties (i.e. send comments) before submission deadlines expire, in particular to address doubts on how to fill in forms, including by establishing unified criteria for completion and evaluation of the forms, and to ensure timely update of contact information for OCPs and DNAs. 	<ul style="list-style-type: none"> – Lack of technical assistance to establish unified criteria for completing the forms (Venezuela) – Lack of awareness on the restrictions pertaining to the notification of updates of contact information (Venezuela) 	<p>Implementation through the Secretariat.</p> <p><i>Note:</i> Available guidance includes the Guidance to complete the form for notification for FRAs to ban or severely restrict a chemical (English).</p>
322	Improve availability of information on chemicals management systems in developed countries	<ul style="list-style-type: none"> – Kuwait (PA-3) proposes dissemination of detailed information on how developed countries deal with the various aspects of chemicals management, including exports and imports of chemicals. 	<ul style="list-style-type: none"> – Lack of examples, reports and presentation on those countries (Kuwait) 	<p>Implementation by individual Parties under Articles 14.1⁸² and 16⁸³ of the Convention.</p> <p>Additional measures to improve the dissemination of such information could be implemented in the context of the development of the clearing-house mechanism for information exchange.</p>

⁸⁰ See footnote 19.

⁸¹ See footnote 30.

⁸² See footnote 30.

⁸³ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
323	Develop an online library to facilitate access to scientific studies on risks associated with chemicals	– Venezuela (PA-1) suggests improving information-exchange mechanism, by creating an online library to provide easy access to scientific studies on risks associated with chemicals subject to international trade.	– Lack of server capacity to include high number of digital documents (Venezuela)	Could be implemented in the context of the development of the clearing-house mechanism for information exchange.
324	Improve information on alternatives to candidate chemicals or listed chemicals	<ul style="list-style-type: none"> – Bahrain (PA-2) proposes measures to improve information on alternatives. – Canada (PA-1) suggests sharing information, preferably collected from Parties, on alternatives to substances recommended for listing. Canada sees value in the continued and further use of Article 14, to share information. Parties could also be encouraged to share information on alternatives to substances recommended for listing. – The EU and its member States (PA-1) propose enhancing the implementation of the Convention by improving information exchange on alternatives to chemicals that are listed or recommended for listing. – Peru (PA-4) suggests establishing a list of alternatives for Annex III chemicals and chemicals that are candidates for inclusion in Annex III and to disseminate the information through different channels (national and regional workshops, written communications to involved authorities, etc.). – Jordan (PA-3) suggests providing safer and economical alternatives to the chemicals listed in Annex III. 	<ul style="list-style-type: none"> – Identification of available alternatives and evaluation of their relative costs and efficacy (Canada) – The lack of information on technically and economically viable alternatives represents a challenge for regulatory authorities to adopt an FRA (Peru) – Lack of alternatives to listed chemicals that could be used locally (Jordan) 	<p>Implementation by individual Parties under Articles 14.1⁸⁴ and 15.2⁸⁵ of the Convention, for example in combination with a COP decision mandating the Secretariat to solicit and consolidate information on alternatives from Parties.</p> <p>As alternatives could potentially be as dangerous, or even more dangerous, than listed chemicals, the COP might need to consider mechanisms to evaluate proposed alternatives.⁸⁶</p> <p><i>Note:</i> Information on alternatives is included in DGDs. Given that available alternatives constantly evolve, the working paper on preparing internal proposals and decision guidance documents for banned or severely restricted chemicals, as well as the working paper on preparing internal proposals and decision guidance documents for severely hazardous pesticide formulations⁸⁷ propose to include sources of information rather than a list of specific recommendations in the DGDs and to provide updated references to additional sources of information on the Rotterdam Convention website.</p> <p>The focus of the Convention is information-exchange rather than development of alternatives.</p>

⁸⁴ See footnote 30.

⁸⁵ See footnote 7.

⁸⁶ In the case of the Stockholm Convention, the COP has tasked the POPRC to evaluate the alternative to avoid recommending potentially (more) dangerous chemicals.

⁸⁷ Both working papers are set out in the Handbook of working procedure and policy guidance for the CRC (English) available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
3. Actions to determine and address non-compliance with the provisions of the Convention				
330	Adopt a compliance mechanism	<ul style="list-style-type: none"> – Canada (PA-3) proposes the adoption of a facilitative compliance mechanism. The mechanism would allow for discussion of individual challenges and more systemic problems and lead to a better understanding of the Convention's effectiveness. The adoption could proceed on the text agreed at COP 7. – Switzerland (PA-2) proposes that the COP adopt a compliance procedure. 	<ul style="list-style-type: none"> – Lack of compliance information and thus difficulties to evaluate the effectiveness of the different aspects of the Convention (Canada) 	Implementation through the adoption of a compliance mechanism under Article 17 of the Rotterdam Convention. The process involves a COP decision approving the procedure and/or institutional mechanism for determining non-compliance.
331	Adopt a compliance mechanism to address cases of illegal traffic	<ul style="list-style-type: none"> – Sri Lanka (PA-4) proposes the establishment of a compliance mechanism to address cases of illegal traffic, such as exports under false HS codes. 	<ul style="list-style-type: none"> – Lack of compliance mechanism to prevent illegal transports (Sri Lanka) 	Implementation through the adoption of a compliance mechanism under Article 17 of the Rotterdam Convention. The process involves a COP decision approving the procedure and/or institutional mechanism for determining non-compliance.
332	Establish tools to measures compliance	<ul style="list-style-type: none"> – Panama (PA-2) proposes establishing tools to measure Parties' compliance with their obligations under the Convention, to better allocate available funding. 	<ul style="list-style-type: none"> – Lack of compromise at the political and technical level (Panama) 	Implementation through the adoption of a compliance mechanism under Article 17 of the Rotterdam Convention. The process involves a COP decision approving the procedure and/or institutional mechanism for determining non-compliance.
4. Actions to improve Parties' adoption of national action plans (NAP)				
340	Assist with the development of national action plans	<ul style="list-style-type: none"> – Uganda (PA-1) proposes the development of a national action plan or strategy for the implementation of the Rotterdam Convention. – Yemen (PA-4) proposes the development of guidance on the identification of elements of NAPs in all 	<ul style="list-style-type: none"> – Lack of national action plan or strategy for the implementation (Uganda) – Lack of guidance on NAPs in all six languages (Yemen) 	<p>Implementation by individual Parties under Articles 15.1⁸⁸ and 16⁸⁹ of the Convention.</p> <p>Activities to assist Parties in developing NAPs could also be part of and the TA plan, or involve the development/updating of guidance.</p> <p>Could potentially be included in the mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330).</p> <p>Implementation through a COP decision mandating the development/updating of guidance, which could be part of the implementation of the TA plan.</p>

⁸⁸ See footnote 16.

⁸⁹ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		six languages, including the availability of assistance to implement those plans in all languages. National and subregional meetings should be convened and technical assistance provided in all languages.		
5. Actions to improve Parties' enactment of legislation implementing the Convention				
350	Assist with the development of implementing legislation	<ul style="list-style-type: none"> – Afghanistan (PA-1) identifies the development of secondary legislation and regulations on the sound management of chemicals as a national priority action for the enhancement of the effectiveness of the Convention. This involves the review of existing frameworks against international obligations as well as drafting legislation, where gaps were identified (e.g. PIC procedure). – The Democratic Republic (PA-1) of the Congo proposes that developing countries and countries with economies in transition receive financial assistance to develop and build awareness of legal frameworks and regulatory and administrative measures to implement the Convention. – The former Yugoslav Republic of Macedonia (PA-3) identifies the need for a gap analysis of existing legislation chemicals and pesticides against the obligations of the Rotterdam Convention. 	<ul style="list-style-type: none"> – Lack of information on required regulatory steps to ensure that the risks associated with chemicals are properly addressed (Afghanistan) – Lack of capacity for policy making and regulatory action (Afghanistan) – Lack of information on the current chemicals situation (Afghanistan) – Overlapping legislation on pesticides and industrial chemicals (The former Yugoslav Republic of Macedonia) 	<p>Implementation by individual Parties under Articles 15.1⁹⁰ and 16⁹¹ of the Convention.</p> <p>Activities to assist Parties with the development of implementing legislation could be part of the implementation of the TA plan, or involve the development/updating of guidance based on a COP decision.</p> <p>Could potentially be included in the general review mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330).</p> <p><i>Note:</i> Available guidance materials include the Guide on the Development of National Laws (Arabic, Chinese, English, French, Russian, Spanish) and three legal case studies on implementation (Arabic, Chinese, English, French, Russian, Spanish). Furthermore, decision RC-8/14 requested the Secretariat to support Parties, upon request and within available resources, on matters pertaining to the implementation and enforcement of the provisions aimed at controlling the export and import of chemicals, including the development and updating of national legislation or other measures, and to develop examples of the integration of the provisions of the Basel, Rotterdam and Stockholm conventions into national legal frameworks and to organize training activities, subject to the availability of resources and in collaboration with partners, to assist Parties, particularly developing-country Parties and Parties with economies in transition, in the development of national legislation and other measures to implement and enforce the provisions of the convention aimed at controlling the export and import of chemicals and wastes covered under the conventions.</p>

⁹⁰ See footnote 16.

⁹¹ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
6. Actions to strengthen Parties' institutions for national implementation				
360	Establishment of specialist unit for chemicals to translate international obligations into national-level action	– Afghanistan (PA-2) proposes the establishment of national specialists units for chemicals and waste management similar to those that had been established for ozone-depleting substances and climate finance, to provide targeted efforts on translating international commitments and obligations into national-level actions (e.g. data collection, inter-ministerial coordination, GIS database, work plans).	<ul style="list-style-type: none"> – Lack of information on safety and socio-economic aspects of the use of chemicals (Afghanistan) – Lack of information chemical properties and risks (Afghanistan) – Lack of information on risk management and worker safety (Afghanistan) – Unavailability of information to downstream, government authorities and the general public (Afghanistan) – Lack of expertise on diagnosis of chemicals illness due to exposure (Afghanistan) – Lack of technical expertise for chemicals management (Afghanistan) 	<p>The establishment of such units is not a requirement under the Rotterdam Convention. However, Article 15.1⁹² of the Convention requires Parties to take such measures as necessary to establish and strengthen national infrastructure and institution for the effective implementation of the Convention.</p> <p>Activities to assist Parties in building institutional capacity could also be part of the implementation of the TA plan.</p> <p><i>Note:</i> The Special Programme⁹³ on Chemicals and Waste aims to strengthen national institutions and to promote the mainstreaming of the sound management of chemicals and waste. Key activities supported by the programme provide countries to advance institutional capacity for the implementation of the Basel, Rotterdam and Stockholm Conventions, the Minamata Convention and SAICM.</p>

⁹² See footnote 16.

⁹³ See <http://web.unep.org/chemicalsandwaste/special-programme>

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
361	Improve coordination between government authorities and stakeholders involved in the implementation	<ul style="list-style-type: none"> – Jordan (PA-2) proposes measures to strengthen national coordination to the effect that hazard and risk assessments of priority chemicals lead to decision-making on whether to ban or restrict those chemicals. – The former Yugoslav Republic of Macedonia (PA-1) identifies the need for the development of procedures or mechanisms for inter-institutional interaction and communication among the public and private sectors, academia and decision-makers. – The former Yugoslav Republic of Macedonia (PA-2) suggests establishing strong and sustainable communication systems between OCPs and DNAs. – The former Yugoslav Republic of Macedonia (PA-4) suggests organizing joint activities with all stakeholders for a better implementation of the main Convention provisions. – Uganda (PA-1) proposes measures to foster sectoral cooperation among the stakeholders in the implementation process. 	<ul style="list-style-type: none"> – Weak communication between the OCP and the local DNAs (Jordan) – Lack of communication between the many institutions involved in the implementation of the Convention (The former Yugoslav Republic of Macedonia) – Lack of strong and sustainable communication system among the different DNAs: The Ministry of Environment and Physical Planning (DNA for implementation in general), the Ministry of Agriculture (DNA for pesticides), and the Ministry of Health (DNA for industrial chemicals) (The former Yugoslav Republic of Macedonia) – Lack of understanding of weaknesses and opportunities in the implementation of the Convention and information-exchange between stakeholders (The former Yugoslav Republic of Macedonia) – Inadequate inter-Ministerial coordination and collaboration on implementation processes (Uganda) 	<p>Implementation by individual Parties under Articles 15.1⁹⁴ of the Convention.</p> <p>Activities to assist Parties in improving institutional coordination could also be part of the TA plan.</p>

7. Actions to improve the availability of technical assistance and capacity-building in general

370	Translate the electronic resource kit into all UN languages	<ul style="list-style-type: none"> – Yemen (PA-1) proposes the development of an electronic resource kit to promote ratification and implementation in all six official UN languages. The toolkit should be regularly updated on and complemented with new documents, taking into account the experience of Parties. As many documents as possible should be made available in all languages. 	<ul style="list-style-type: none"> – The resource kit is not fully available in all six languages (Yemen) 	<p>Implementation through translation of tools or guidance, which could be part of the implementation of the TA plan.</p>
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⁹⁴ See footnote 16.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
371	Train national officers in writing notifications and other submissions required under the Convention	<ul style="list-style-type: none"> – Kuwait (PA-1) proposes training in writing reports for all aspects of the Convention. 	<ul style="list-style-type: none"> – Lack of understanding how reports must be written for different aspects of the Convention and whether there is an official formula that should be followed (Kuwait) 	<p>Implementation by individual Parties under Articles 15.1⁹⁵ and 16⁹⁶ of the Convention.</p> <p>Activities to assist Parties in writing notifications could also be part of the implementation of the TA plan.</p>
372	Improve Parties capacity to control risks associated with chemicals	<ul style="list-style-type: none"> – Peru (PA-5) proposes the development of guidelines to identify, evaluate and control the risks associated with highly hazardous pesticides to help developing countries and countries with economies in transition to take action in pursuit of the 2020 goal. – Afghanistan (PA-5) suggests actions to better protect persons handling chemicals and pesticides (protective equipment, analytical capacity, training), including ensure environmentally sound management of clinical wastes and establish expired pesticide stores. 	<ul style="list-style-type: none"> – Lack guidance on managing risks associated with registered highly hazardous pesticides according to national circumstances (Peru) – Lack of information on plant protection regulations (Afghanistan) – Lack of emergency plans for chemical disasters (Afghanistan) – Lack of information on measures to reduce exposure and emissions (Afghanistan) – Lack of information on appropriate technology (Afghanistan) 	<p>Implementation by individual Parties under Articles 15.2⁹⁷ and 16⁹⁸ of the Convention.</p> <p>Activities to assist Parties in controlling risks associated with chemicals could also be part of the TA plan.</p>
373	Provide capacity-building and technical assistance	<ul style="list-style-type: none"> – The EU and its member States (PA-1) suggest enhancing the implementation of the Convention by improving Parties' capacity to properly implement and fully participate in the Convention processes (participation in CRC, submission and notification of FRAs, adoption of import responses) and to implement chemicals management measures, including the capacity to use internationally available data on chemicals and conduct risk evaluations. 	<ul style="list-style-type: none"> – Lack of information on the main difficulties of Parties in implementing the Convention (EU and its member States) – Lack of information on the main capacity gaps of Parties (EU and its member States) – Lack of information on the main information gaps of Parties (EU and its member States) 	<p>Implementation by individual Parties under Articles 15.1⁹⁹ and 16¹⁰⁰ of the Convention.</p> <p>Activities to assist Parties in developing national capacity for chemicals management could also be part of the implementation of the TA plan, and/or implemented in the context of the development of the clearing-house mechanism for information exchange (e.g. Yemen, PA-2 (d)).</p>

⁹⁵ See footnote 16.

⁹⁶ See footnote 8.

⁹⁷ See footnote 7.

⁹⁸ See footnote 8.

⁹⁹ See footnote 16.

¹⁰⁰ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> – Jordan (PA-1) proposes technical assistance and capacity-building for the implementation of the Convention, such as programs for scientific and technical training of personnel, including customs personnel. – Norway (PA-2) proposes that options that help improve the effectiveness of the Convention and at the same time assist Parties in implementing the Convention should be prioritized. It is important to strengthen Parties' capacity for submission FRAs and listing proposal for SHPFs, as well as import responses. Norway suggests that technical assistance programs take into consideration the needs of developing countries identified in UNEP/FAO/RC/COP.8/INF/25 and other documents under agenda item 5(a) considered at COP8. – Sri Lanka (PA-2) identifies the need for more technical assistance and capacity building to address a number of challenges at the national level, such as the limited risk assessment skills and capacity, insufficient mechanisms to effectively control the influx of chemicals, absence of proper regulatory mechanisms, poor awareness on hazards associated with chemicals, insufficient cooperation among stakeholder, and insufficient monitoring of health and environmental impacts. – Bahrain (PA-5) proposes an increase in capacity building activities. – Uganda (PA-2) proposes actions to increase the Parties' in-country technical capacity to meet the Convention obligations, such as the consolidation of a data on listed industrial chemicals with outstanding import responses, the consolidation of data on the status of chemicals (usage, manufacture, formulation 	<ul style="list-style-type: none"> – Lack of information on best approaches to address those gaps (EU and its member States) – Lack of technical capabilities and laboratory equipment (Jordan) – Weak monitoring capacity (practical, analytical and technical) for chemicals of concern (Jordan) – Lack of technical assistance and capacity building (Sri Lanka) – Lack of financial mechanism to provide support to developing countries (Bahrain) – Lack of database on Rotterdam Convention chemicals used in the country (Uganda) – Inadequate technical capacity to implement the Rotterdam Convention (Uganda) – Inadequate infrastructure to support implementation processes (Uganda) – Increased efforts to provide financial resources for technical assistance activities and projects aimed at improving national chemicals management capacity (Venezuela) – Lack of availability of awareness trainings in all six languages (Yemen) – Lack of availability of trainings, information and documents in all six languages (Yemen) 	

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<p>and import), the establishment of mechanisms for interaction between ministries, the public and private sectors, academia and decision-makers, measures to overcome capacity constraints in the government, the collection of technical information for decision-making on pesticides and industrial chemicals, and the establishment of an effective infrastructure to monitor chemicals and pesticide poisoning.</p> <ul style="list-style-type: none"> – Venezuela (PA-3) proposes improved technical and financial assistance for the safe management of chemicals that are subject to international trade. Assistance could be directed towards technical training to strengthen the institutional capacity of laboratories and Customs and risk analyses for chemicals at the national level, taking into account the bio-physical aspects of the country. – Yemen (PA-2) suggests promoting technical assistance for the development of infrastructure and capacity for chemicals management: <ul style="list-style-type: none"> • Parties with more advanced chemical programmes should provide technical assistance, including training, to other Parties that are developing their infrastructure and capacity. • Trainings and awareness-raising meetings should be organized for new Parties and Parties experiencing difficulties in meeting their obligations under the Convention. • Training programs and information documents should be made available in all six languages. • A platform for information-sharing about national regulatory decisions 		

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
374	Promote technology transfer to developing countries	<p>on chemicals and pesticides should be made available in all six languages.</p> <ul style="list-style-type: none"> – Panama (PA-1) suggests promoting technology transfer from developed countries to developing countries, to improve risk evaluations, chemical analyses and chemicals management systems. – Uganda (PA-4) highlights the need for increased technology transfer and the problem of limited research capacity. Inadequate infrastructure and facilities for research affect the capacity of relevant institutions to conduct research on chemicals. In addition, the government's policy to scale down expenditure to achieve macroeconomic stability has affected the availability of researchers. Finally, the poor research-extension linkage and weak mechanisms for technology dissemination have led to limited application of research findings. 	<ul style="list-style-type: none"> – Lack exchange on information and standards pertaining to tools and technologies (Panama) – Inadequate infrastructure and facilities for research on MEA issues (Uganda) – Low technology transfer (Uganda) – Insufficient research on MEA issues (Uganda) 	Implementation by individual Parties under Article 16 ¹⁰¹ of the Convention, for example, in combination with a COP decision encouraging BCRC/SCRCs to take measures to promote technology transfer.

8. Actions to improve the availability of funding for national implementation

380	Establish sustainable financial mechanism	<ul style="list-style-type: none"> – Ecuador (PA-3) proposes the establishment of a predictable and adequately resourced financial mechanism, with sufficient new and additional funds to allow developing countries and countries with economies in transition to comply with the obligations under the Convention. – The Democratic Republic of the Congo (PA-2) proposes that DNAs receive financial support to monitor chemicals and pesticide poisonings and cooperate with the Secretariat on the notification of FRAs. 	<ul style="list-style-type: none"> – Existing financial mechanisms cover some chemicals conventions, but not the implementation of the Rotterdam Convention (Ecuador) 	<p>Implementation by individual Parties contributing the Special Voluntary Trust Fund for the Rotterdam Convention.</p> <p>The COP could also consider revisiting its decision RC-7/8 on the implementation of the integrated approach to financing.</p> <p>As the Rotterdam Convention does not provide for a financial mechanism, the establishment of a financial mechanism would require amending the Convention¹⁰²</p> <p>Establishing a new Rotterdam Convention mechanism with compulsory contributions or providing for an obligation on developed Parties and Parties with more advanced chemical programmes to provide financial assistance (e.g.</p>
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¹⁰¹ See footnote 8.

¹⁰² See, for example, the amendment to Article 16 of the Convention proposed at COP-8. The text of the proposed amendment is available in document UNEP/FAO/RC/COP.8/16/Add.1.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
381	Raise awareness on existing financial mechanisms	<ul style="list-style-type: none"> – The EU and its member States (PA-1) suggest enhancing the implementation of the Convention by improving awareness on the integrated approach to financing sound management of chemicals and wastes (UNEP), including the special programme to support developing countries and countries with economies in transition in strengthening institutional capacity for the implementation of, among others, the Rotterdam Convention, as well as the joint Technical Assistance Programme managed by the Secretariat. 		<p>through existing mechanisms) requires a COP decision amending the Convention text.</p> <p>The amendment would enter into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by it. All other Parties would continue to be bound by the original Convention text which does not include a binding obligation on developed Parties and Parties with advanced chemical programmes to provide financial assistance.</p> <p><i>Note:</i> The Secretariat has conducted two studies on possible options for lasting and sustainable financial mechanisms, available in UNEP/FAO/RC/COP.2/10 and UNEP/FAO/RC/COP.3/13.</p> <p>Implementation through public awareness activities and materials.</p>
382	Establish a mechanism to help formulate project submissions	<ul style="list-style-type: none"> – Honduras (PA-2) proposes the establishment of a mechanism to assist with formulating national and regional projects aimed at ensuring an effective application of the Convention. – Uganda (PA-5) highlights the need to address the lack of funding for the implementation of the Rotterdam Convention, including by ensuring that development partners fulfil their financial commitments to implement programs and projects for the development of sound chemicals management capacity. In Uganda chemicals management is not a high priority in government expenses. Furthermore, relevant sectors experienced difficulties in 	<ul style="list-style-type: none"> – Need for support for the formulation of national projects to implement the Convention and new amendments (for funding purposes) – Lack of funding to ensure sound chemicals management (Uganda) 	Implementation through the TA plan.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		preparing timely and acceptable proposals in accordance with guidelines provided by funding agencies.		
	9. Actions to improve synergies with the Basel and Stockholm Conventions			
390	Organize joint activities to enhance the cooperation and coordination among the three conventions	– The former Yugoslav Republic of Macedonia (PA-5) proposes the organization of joint activities to enhance cooperation and coordination between the Basel, Rotterdam and Stockholm Conventions at the national, regional and international level.	– Lack of joint activities to share experience on synergies at the national, regional and international level (The former Yugoslav Republic of Macedonia)	Implementation through a COP decision.

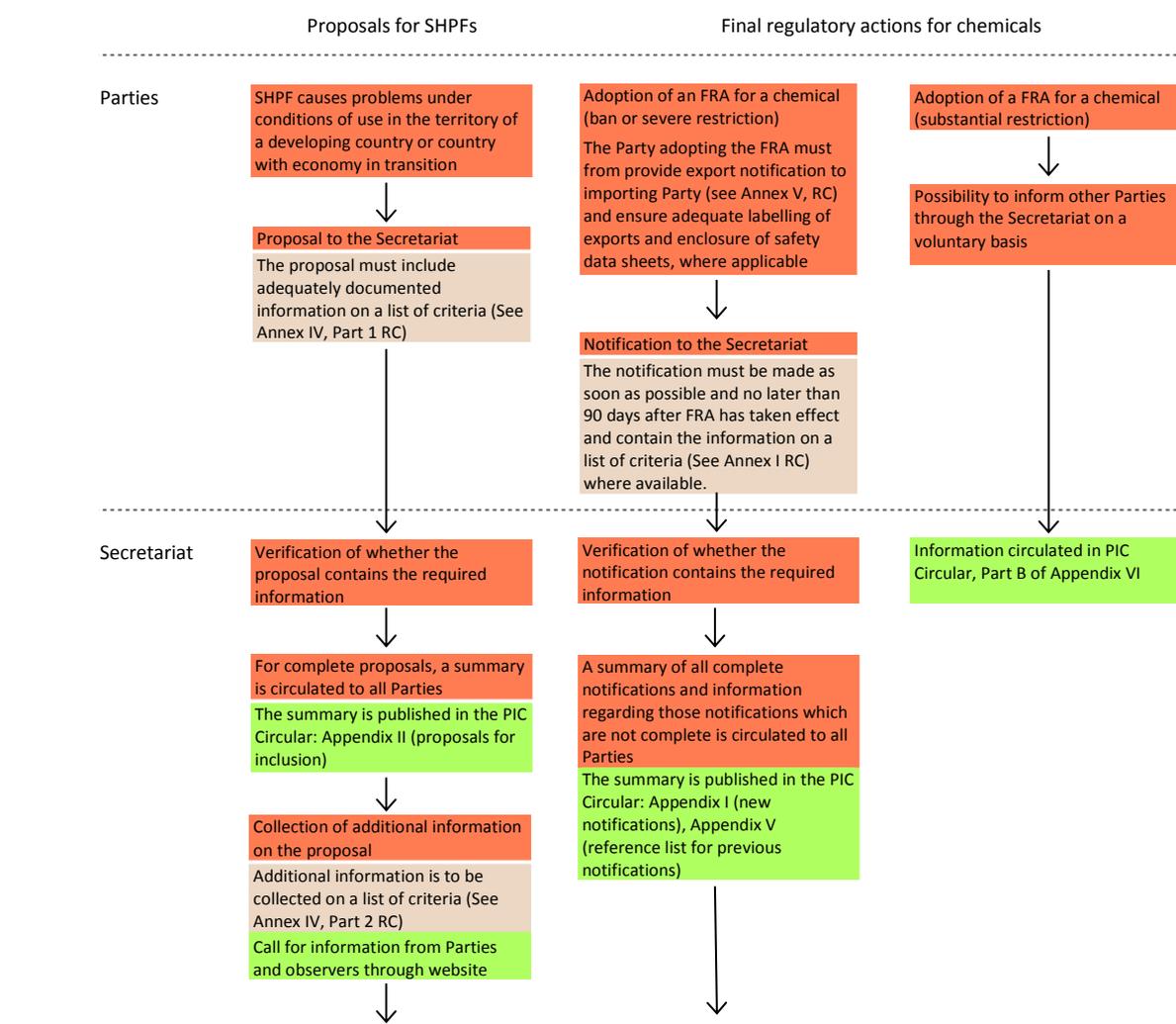
Appendix

Procedural steps of the listing process and prior informed consent procedure under the Rotterdam Convention

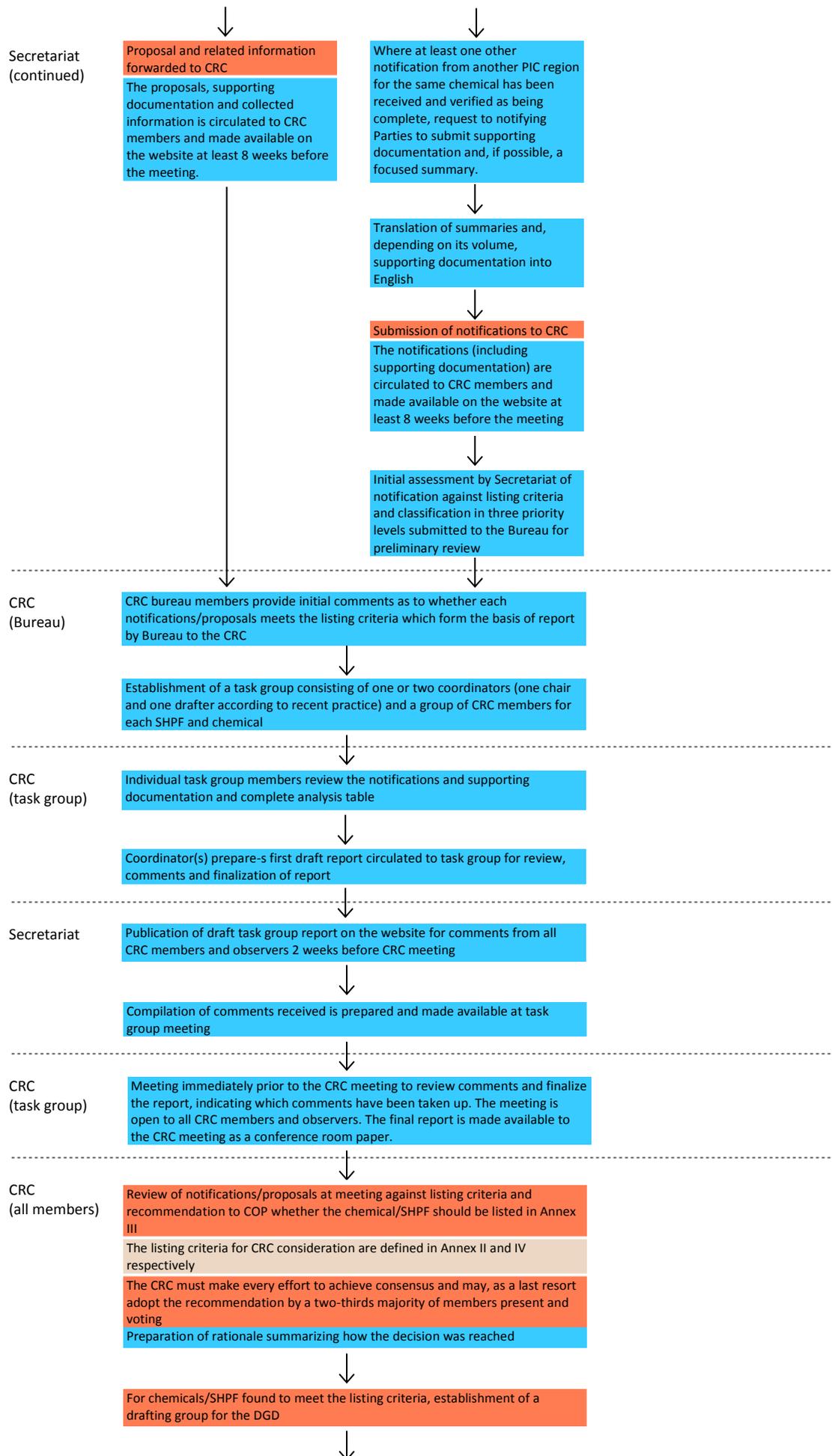
The following diagram provides an overview on the main steps of the process for listing chemicals in Annex III and the prior informed consent procedure of the Rotterdam Convention. Each step is highlighted in a colour that indicates the basis for the described action, which also allows conclusion about the required steps to amend that step:

(a)	Steps highlighted in orange have their source in the Convention text;
(b)	Steps highlighted in brown have their source in the text of an Annex to the Convention;
(c)	Steps highlighted in yellow have their source in the rules of procedure of the COP (See decision RC-1/1);
(d)	Steps highlighted in pink have their source in the terms of reference (ToR) of the CRC (See decision RC-1/6);
(e)	Steps highlighted in blue have their source in the CRC Handbook ¹⁰³ ;
(f)	Steps highlighted in green have their source in internal practice of the Secretariat.

Diagram – Procedural steps of the listing process and PIC procedure under the Rotterdam Convention



¹⁰³ The Handbook of working procedure and policy guidance for the CRC is available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.







Parties	Communicate to and ensure compliance by exporters with import decisions no later than 6 months after their circulation by Secretariat	Ensure compliance with export restrictions in cases where the importing country has not submitted a response	Ensure adequate labelling of exported chemicals/SHPF and enclosure of safety data sheets, where applicable.	Advice and assistance to importing Parties upon request and as appropriate to obtain further information to strengthen their chemical management capacities
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Australia

Report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

Comments

Australia thanks the Secretariat for the work on the survey report on priority actions to enhance the effectiveness of the Rotterdam Convention. The intersessional work is an important step in developing options for improving the effectiveness of the Convention and information flows, and to consider the effectiveness on the process of listing chemicals in Annex III to the Convention.

Overall, we consider that there are many constructive and useful comments in the survey report that go to supporting the prior informed consent procedure and Convention objectives. We note the various options for enhancing the effectiveness of the Convention, including for both international and domestic implementation. It would be useful to examine the international mechanisms further through the intersessional process. It would also be useful to examine logical groupings of priority actions. For example, to examine further the CRC process, including the CRC Handbook, in order to consider information coordination and the most effective priority actions.

We note there are many comments related to information access and training, and that this provides an opportunity to consolidate and value add existing pathways, such as the Clearing House Mechanism and Technical Assistance Programme. We note the work already done by the Secretariat on technical assistance, and make the following suggestions below, for where they may be relevant:

- The PIC circular letter and CD is a useful pathway, as it already provides updates on the availability of new toolkits. One possible option is to use the PIC circular letter and CD mail out as way to provide consolidated information or training material without relying on internet connections (e.g. hard copy or CD).
- Technical assistance to enhance capacity for implementation may include practical training, for example, assessments, final regulatory action, chemicals listing, or for actions to improve import responses and export notifications. The use of YouTube and webinar formats are also options to provide practical training and outreach. For example, to share practical information on implementation of import responses.
- The diagram on pages 42-46 is a useful summary and visual aid for the main procedural steps of the prior informed consent procedure and process for listing chemicals in Annex III. It could be used more widely, including for relevant training packages. It could potentially also be useful for a consolidated list of what guidance is available to accompany the diagram on procedural steps. Australia also suggests the use of a consolidated glossary to accompany the main procedural steps, this could help promote the shared understanding of key terminology as part of training and awareness building and implementation.

We encourage the comparison against effectiveness practices in related conventions also, where they may be relevant to sharing ways for how to keep the Convention effective and relevant, and enabling improved information flows that support implementation of the prior informed consent procedure.

Burkina Faso

From: LENGANE Kibsa Paul [mailto:kibsapaul@gmail.com]

Sent: vendredi 30 mars 2018 13:49

To: Andrea Lechner <andrea.lechner@brsmeas.org>; Christine Fuell (FAO) <Christine.Fuell@fao.org>

Cc: Watta Koulibaly <ouedwata@yahoo.fr>

Subject: Report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

Mr/Mrs,

Following the examination on the report analysing the legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention, for Burkina Faso five priority actions are :

130. Assist with identifying pesticide formulations that result in acute poisoning at the national level ;

371. Train national officers in writing notifications and other submissions required under the Convention ;

372. Improve Parties capacity to control risks associated with chemicals ;

373. Provide capacity-building and technical assistance ;

374. Promote technology transfer to developing countries.

Besides, Burkina Faso suggests that the future reports should be available in all six official UN languages for a better accessibility.

M./Mme

Suite à l'examen du rapport analysant les incidences juridiques et opérationnelles des mesures prioritaires à l'amélioration de l'efficacité de la convention de Rotterdam, pour le Burkina Faso les cinq actions prioritaires sont :

130. Assister à l'identification de formulations de pesticide qui causeraient un empoisonnement aigu au niveau national ;

371. Former les fonctionnaires nationaux à la rédaction des notifications et autres documents exigés par la convention ;

372. Améliorer la capacité des Parties à évaluer les risques associés aux produits chimiques ;

373. Pourvoir en infrastructure et assistance technique ;

374. Promouvoir le transfert de technologie vers les pays en développement.

Par ailleurs, le Burkina Faso suggère que les rapports à venir soient disponibles dans les six langues officielles des Nations-Unies pour une meilleure accessibilité.

Canada

Report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

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Abbreviations and acronyms

COP	Conference of the Parties to the Rotterdam Convention
CRC	Chemical Review Committee
DGD	Decision Guidance Document
DNA	Rotterdam Convention designated national authority
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FRA	final regulatory action
GCI	Green Customs Initiative
GRULAC	Group of Latin American and Caribbean Countries in the United Nations
HS code	Harmonized System Code
HSG	Health and Safety Guide
IPCS	International Programme on Chemical Safety of the World Health Organization
MEA	multilateral environmental agreement
MoU	memorandum of understanding
NAP	national action plan
NIOSH	National Institute for Occupational Safety and Health
OCP	Rotterdam Convention official contact point
OECD	Organisation for Economic co-operation and Development
PA	priority action
PIC	prior informed consent
POPRC	Persistent Organic Pollutants Review Committee of the Stockholm Convention
SDG	Sustainable Development Goal
SHPF	severely hazardous pesticide formulation
TA	technical assistance
ToRs	terms of reference
WCO	World Customs Organization
WTO	World Trade Organization
WHO	World Health Organization

Introduction

1. By decision RC-8/8, the eighth meeting of the Conference of the Parties to the Rotterdam Convention (COP-8) invited Parties to propose priority actions to enhance the effectiveness of the Convention and requested the Secretariat to prepare a report analysing the legal and operational implications of the proposed priority actions.
2. This report is divided into two parts. Part I provides an overview of the survey and the process for the compilation of the proposed actions from Parties, as well as a summary of the Parties that provided responses along with some next steps. Part II consists of a tabular summary of the proposed actions identified by the respondents, as well as related information gaps and potential legal and operational implications. A full compilation of the submissions is available on the Convention's website.¹⁰⁴
3. An Appendix to this document provides an overview on the main procedural steps of the process for listing chemicals in Annex III to the Convention as well as of the prior informed consent (PIC) procedure.

Part I – Background and next steps

4. In line with decision RC-8/8, the Secretariat developed an online survey in English, French and Spanish asking Parties:
 - (a) To describe a maximum of 5 (five) priority actions that could be undertaken to enhance the effectiveness of the Rotterdam Convention; and
 - (b) To indicate key information gaps for each of the identified priority actions.
5. Parties were invited to complete the online survey by 31 October 2017, as decided by the COP. Submissions were received until 15 November 2017.
6. As of 15 November 2017, the Secretariat received 24 responses from Parties to the Rotterdam Convention (including the European Union (EU) on behalf of its 28 member States), from 33 developed countries (OECD and EU member States) and 18 developing countries or countries with economies in transition (Africa 2, Asia and Pacific 7, Central and Eastern Europe 2, Latin America and Caribbean 7). There were no responses from small island developing countries. The response rate was 32 per cent.¹⁰⁵
7. The results of the survey form the basis for the present report.
8. The following table summarizes the level of response per region based on the number of Parties in each region:

Africa	2 out of 47 Parties	Republic of the Congo, Uganda
Asia-Pacific	8 out of 38 Parties (includes 1 as coordinated response through the EU)	Afghanistan, Bahrain, China, Jordan, Kuwait, Sri Lanka, Yemen As coordinated response through the EU: Cyprus
Central and Eastern Europe and Central Asia	13 out of 22 Parties (includes 11 as coordinated response through the EU)	Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia As coordinated response through the EU: Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia
Latin America and Caribbean	8 out of 28 Parties	Colombia, Costa Rica, Ecuador, Honduras, Mexico, Panama, Peru, Venezuela

¹⁰⁴ The compilation of submissions to the survey on priority action to enhance the effectiveness of the Rotterdam Convention is available at <http://www.pic.int/Implementation/EnhancingtheeffectivenessofRC/Onlinesurvey/tabid/6215/language/en-US/Default.aspx>.

¹⁰⁵ As of 15 November 2017, 158 States and the European Union were Parties to the Rotterdam Convention.

Western Europe and Others	20 out of 23 Parties (includes 16 as coordinated response through the EU)	Australia, Canada, Norway, Switzerland As coordinated response through the EU: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland
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9. **Next Steps:** This report and comments received thereon will be considered by a working group established by decision RC-8/8, with the mandate:

(a) To identify a set of prioritized recommendations for enhancing the effectiveness of the Convention, and

(b) To develop a report identifying further steps for consideration by the Conference of the Parties at its ninth meeting.

10. In order to put the elements of the report in context, the Appendix to this document includes a diagram on the main steps of the process of listing an industrial chemical, a pesticide or a severely hazardous pesticide formulation (SHPF) in Annex III of the Convention.

11. The diagram specifies the legal basis for each step of the listing process and the PIC procedure, and the procedural requirements that would need to be met in order to implement the proposed action within the framework of the Convention (e.g. adoption of a COP decision, developing or amending an annex of the Convention, amending the text of the Convention).

Part II – Proposed actions and their legal and operational implications

12. A table summarizing the priority actions proposed has been prepared. The proposed actions have been clustered into the three main categories¹⁰⁶ for enhancing the effectiveness of the Convention identified by decision RC-8/8:

Category A: The listing process

- 7) Actions to improve the adoption of final regulatory actions (FRA);
- 8) Actions to improve the notifications of FRAs;
- 9) Actions to improve the identification of SHPFs;
- 10) Actions to enhance the process of drafting and adoption of recommendations and draft decision guidance documents (DGDs) by the Chemical Review Committee (CRC);
- 11) Actions to facilitate consensus-finding at the COP;
- 12) Actions to amend the decision-making process for listing chemicals;

Category B: The PIC procedure

- 5) Actions to improve compliance with the obligation to transmit export notifications;
- 6) Actions to improve Parties' provision of import responses;
- 7) Actions to improve Parties' control of chemicals imports;
- 8) Actions to improve the implementation of the PIC procedure in general;

Category C: Overall effectiveness of the Convention

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Perhaps clarify. Improve adoption by whom? i.e. The Parties making the FRA through technical assistance/capacity building? Or, improve acceptance of the NFRA's.

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Perhaps clarify if this in reference to capacity building in Parties from developing countries?

¹⁰⁶ In addition, Norway's response to the survey (PA-1) includes specific suggestions on how the working group could proceed in accomplishing this mandate. With regard to the question of membership, Norway mentions that developing countries may face unique challenges in relation to imports and exports of hazardous chemicals, the environmentally sound management of those chemicals and the implementation of the Convention. However, only a limited number of developing country Parties had participated in intersessional work leading up to the eighth meeting of the Conference of the Parties. It is therefore important to consider, as part of this intersessional work process, information from a broader range of developing countries on the benefits of the Convention, as well as on actions that would make the Convention more valuable to them. If not provided in response to the survey, such information could actively be pursued, for example, through the Secretariat. Norway also emphasizes the importance of narrowing down the list of proposals and options collected so far, which should be the main focus of the intersessional work ahead. In this context, it seems important to distinguish between proposals that fall within the scope of the Convention text or mandate of the CRC and those that do not.

- 1) Actions to promote awareness at the national level;
- 2) Actions to improve information-exchange between Parties and the Secretariat and between Parties;
- 3) Actions to determine and address non-compliance with the provisions of the Convention;
- 4) Actions to improve Parties' adoption of national actions plans;
- 5) Actions to improve Parties' enactment of legislation implementing the Convention;
- 6) Actions to strengthen Parties' institutions for national implementation;
- 7) Actions to improve the availability of technical assistance and capacity-building in general;
- 8) Actions to improve the availability of funding for national implementation;
- 9) Actions to improve synergies with the Basel and Stockholm Conventions.

13. **The tabular summary is structured as follows:**

Column 1 lists the actions proposed.

Column 2 provides a summary of the proposed action (PA) and the number assigned to it by the Party (1 to 5).¹⁰⁷

Column 3 lists the corresponding key information gaps as identified by Parties.

Column 4 includes a summary of potential legal and operational implications, other than financial implications. The Secretariat has focused on identifying the proposed actions that fall within the scope of the Rotterdam Convention, there may be other options for action that fall outside the scope of the Convention.

¹⁰⁷ The full text of the submissions is available in the compilation of answers at <http://www.pic.int/Implementation/EnhancingtheeffectivenessofRC/Onlinesurvey/tabid/6215/language/en-US/Default.aspx>.

Category A: The listing process

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
1. Actions to improve the adoption of FRAs				
110	Improve information-exchange and access to basic information by increased use of information and communication technology tools	– Ecuador (PA-1) proposes measures to improve the exchange of basic information to help Parties present FRA notifications that fulfil the listing criteria. The Secretariat should provide tools to developing countries using available information and communication technologies (video tutorials, apps, online assessments) to facilitate access to quality information as a basis for decision-making.	– High staff turnover in Rotterdam Convention official contact points (OCP) (Ecuador) – Impossibility for Parties to check whether they have pending activities or outstanding information to submit (Ecuador) – Lack of offer of interactive trainings to ensure adequate information flow (Ecuador)	Implementation through the technical assistance (TA) plan and/or as part of the development of the clearing-house mechanism for information-exchange. ¹⁰⁸
111	Improve information-exchange on FRAs	– Peru (PA-3) proposes that a survey to collect information [from Parties relevant to em] the health and environmental reasons that purportedly supported the FRA and the national situation of the regulated chemical (registration, commercial names, production and import volume, uses, concentrations, crops, available alternatives, etc.) should be circulated to a Party submitting an FRA immediately after submission of that FRA and not only when a second FRA for the same chemical has been received from a different PIC region. That information could then be shared with all Parties.	– Lack of reliable and accessible source of information on regulatory measures taken by Parties with respect to chemicals for which they submitted an FRA (Peru)	Implementation through a COP decision requesting the Secretariat to circulate this information (the text of the Convention only requires circulation of a summary). <i>Note:</i> The CRC Handbook ¹⁰⁹ currently provides that for all notifications that are verified as complete by the Secretariat, a letter is sent to the notifying country with a request to submit the supporting documentation referenced in their notifications and if possible a focused summary. Focused summaries and, depending on its volume, supporting documentation are translated into English upon receipt, and made available as meeting papers for the CRC.

Commented [A3]: Yes, though Peru may be proposing information be collected by the Secretariat, similar to SHPF nominations requirements of Annex IV, Part 2. Could possibly refer to those requirements here.

¹⁰⁸ See decision RC-8/12 on the clearing-house mechanism for information exchange.

¹⁰⁹ The Handbook of working procedure and policy guidance for the CRC (English) is available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
112	Improve national capacity to generate and use information on health and environmental impacts	– Peru (PA-1) suggests improving the national capacity of Parties to generate and compile information on health and environmental impacts to allow for the adoption of FRAs on the basis of quality information.	– Weaknesses in the chemicals registration system and the monitoring system for chemical poisoning (Peru) – Environmental monitoring does not focus on risk evaluations (Peru) – Lack of expertise for bridging information in support of and FRA (Peru)	Implementation by individual Parties under Articles 15.2 ¹¹⁰ and 16 ¹¹¹ of the Convention. Activities to assist Parties in improving their capacity to generate and use this information could also be part of the implementation of the TA plan. <i>Note:</i> For pesticides, the SHPF kit includes guidance on collecting data on pesticide poisoning (English), the guidelines on developing a reporting system for health and environmental incidents regulating from exposure to pesticides (English) of the Food and Agriculture Organization of the United Nations (FAO), the guide for state-based programs on pesticide-related illness and injury surveillance of the National Institute for Occupational Safety and Health (NIOSH) and a number of case studies and field tools (English). ¹¹² Additionally, the Secretariat has developed a Final Regulatory Action Evaluation Toolkit (FRA Evaluation Toolkit) ¹¹³ that contains references to tools for risk evaluation, including on hazard identification and classification, developed by various agencies, as well as access to risk evaluation of toxic substances carried out by Parties that have satisfied the criteria of Annex II of the Convention.
113	Assist developing Parties and Parties with economies in transition in collecting key information at the national level before	– Colombia (PA-1) proposes that developing countries and countries with economies in transition should receive technical and financial assistance to realise early inventories on uses, risks and incidents at the national level of chemical	– No or limited registration systems and administrative instruments to control the production, import and use of chemicals, which makes it difficult to identify the implications of listing. and	Implementation by individual Parties under Articles 15.1 (a) ¹¹⁴ and 16 ¹¹⁵ of the Convention. Activities to assist Parties in establishing inventories on candidate chemicals could also be part of the implementation of the TA plan.

Commented [A4]: While the Secretariat refers to implementation by individual Parties under Articles 15.1(a) and 16, it should perhaps be clarified that Article 16 addresses technical assistance only (not financial assistance).

¹¹⁰ Article 15.2 of the Rotterdam Convention provides that “[e]ach Party shall ensure, to the extent practicable, that the public has appropriate access to information on chemical handling and accident management and on alternatives that are safer for human health or the environment than the chemicals listed in Annex III.”

¹¹¹ Article 16 of the Rotterdam Convention provides that Parties with more advanced programmes for regulating chemicals should provide technical assistance, including training, to other Parties in developing their infrastructure and capacity to manage chemicals throughout their life-cycle.

¹¹² The FAO Guidelines on Developing a Reporting System for Health and Environmental Incidents Resulting from Exposure to Pesticides, the NIOSH Publication on Pesticide-Related Illness and Injury Surveillance: A How-To Guide for State-based Programs and the case studies and field tools are available at <http://www.pic.int/Implementation/SeverelyHazardousPesticideFormulations/SHPFKit/AdditionalInformation/tabid/3148/language/en-US/Default.aspx>.

¹¹³ The Final Regulatory Action Evaluation Toolkit is available at <http://www.pic.int/Implementation/FinalRegulatoryActions/FRAEvaluationToolkit/Introduction/tabid/4976/language/en-US/Default.aspx>.

¹¹⁴ Article 15.1 of the Rotterdam Convention provides that “[e]ach Party shall take such measures as may be necessary to establish and strengthen its national infrastructures and institutions for the effective implementation of this Convention. These measures may include, as required, the adoption or amendment of national legislative or administrative measures and may also include: (a) The establishment of national registers and databases including safety information for chemicals.”

¹¹⁵ See footnote 8.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
	consideration of the chemical by the CRC	products that the Secretariat decides to refer to the CRC. This will enable developing countries and countries with economies in transition to provide relevant information, actively participate in the work of the CRC, and adopt informed positions at the COP.	to implement the PIC procedure for that chemical. This lack of information and uncertainty on capacity makes it difficult to identify alternatives, against the concerns of producers and/or users, which may lead to situation where that country opposes listing at the COP (Colombia)	
114	Develop guidance on bridging information to support FRAs	– China (PA-1) suggests that the Secretariat publish a guideline document on the bridging method for risk evaluations with corresponding trainings to improve the ability of chemical risk assessment in developing countries and to enable them to provide a scientific decision basis for FRA notifications.	– Lack of sufficient scientific information for the assessments of risk associated with the use of chemicals, (particularly in developing countries) (China) – Lack of resources for the assessment of chemicals for which data is available (particularly in developing countries) (China)	Implementation through the development of scientific guidance (COP decision). <i>Note:</i> Available guidance includes the paper on bridging information in the CRC Handbook ¹¹⁶ and some guidance available through the FRA Evaluation Toolkit. ¹¹⁷
115	Develop guidance on using data on pesticide suicides to identify chemicals for FRAs	– Sri Lanka (PA-1) proposes that although intentional misuse is not a sufficient criteria for a listing decision under the Rotterdam Convention, such data could be used as an early warning tool to identify pesticides for FRAs. Sri Lanka's notifications of endosulfan (1998) and paraquat (2011) did not meet listing criterion (b)(iii) because Sri Lanka has no monitoring system for poisonings other than in case of suicide.	– Absence of a mechanism to link and report cases of pesticide poisoning other than suicides (Sri Lanka)	Implementation through the development of scientific guidance (COP decision). <i>Note:</i> The SHPF kit includes guidance on collecting data on pesticide poisoning (English), the FAO guidelines on developing a reporting system for health and environmental incidents regulating from exposure to pesticides (English), the NIOSH guide for state-based programs on pesticide-related illness and injury surveillance (English) and a number of case studies and field tools. ¹¹⁸

¹¹⁶ The Handbook of working procedure and policy guidance for the CRC (English) is available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.

¹¹⁷ The Final Regulatory Action Evaluation Toolkit is available at <http://www.pic.int/Implementation/FinalRegulatoryActions/FRAEvaluationToolkit/Introduction/tabid/4976/language/en-US/Default.aspx>.

¹¹⁸ See footnote 9.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
116	Train national experts in performing risk evaluations to serve as a basis for FRAs	– Honduras (PA-4) proposes trainings for technical personnel in conducting risk evaluations for chemicals that may serve as a basis for FRAs.	– Lack of resources for conducting risk evaluations and therefore inability to adopt and submit FRAs (Honduras)	Implementation by individual Parties under Articles 15.1 ¹¹⁹ and 16 ¹²⁰ of the Convention. Activities to assist Parties in performing risk evaluations could also be part of the implementation of the TA plan. <i>Note:</i> The resource kit includes a WHO/IPCS publication and projects on risk assessment methodology (English) and OECD guidelines for testing chemicals (English). ¹²¹
117	Organize subregional meetings to discuss region-specific difficulties	– Bosnia and Herzegovina (PA-2) identifies the organization of a subregional meeting to discuss options for the development of mechanisms and conditions for the adoptions of FRAs as a means to address the country's difficulties in submitting FRAs.	– Lack of a mechanism and conditions for the adoption of FRAs at the national level, as FRAs from the EU are used (Bosnia and Herzegovina)	Implementation by individual Parties under Article 15.3 ¹²² of the Convention. Activities to assist Parties in resolving regional implementation difficulties could be part of the implementation of the TA plan. <i>Note:</i> In the case of the submitting Party (Bosnia and Herzegovina), the meeting is already planned.
2. Actions to improve the notifications of FRAs				
120	Provide Party-to-Party assistance to adequately document the decision-making process	– Canada (PA-5) believes that a way to enhance the effectiveness of the Convention is to provide in-kind support (as offered by Canada) for risk evaluations and documentation of that evaluation and the national decision-making process, to prepare complete notifications of FRAs. This would produce a more comprehensive basis for the work of the CRC and more robust CRC recommendations.	– Self-identification of Parties that wish to obtain support. The process of self-identification could be launched at the upcoming intersessional working group meeting (Canada) – Identification of type of support/training needed (webinars, site visits etc.) (Canada)	Implementation by individual Parties under Article 16 ¹²³ of the Convention.

¹¹⁹ Article 15.1 of the Rotterdam Convention provides that “[e]ach Party shall take such measures as may be necessary to establish and strengthen its national infrastructures and institutions for the effective implementation of this Convention.”

¹²⁰ See footnote 8.

¹²¹ The WHO/IPCS and OECD guidance is available at <http://www.pic.int/Implementation/RessourcesKit/EvaluatingtheRisksofHazardousChemicals/tabid/1502/language/en-US/Default.aspx>.

¹²² Article 15.3 of the Rotterdam Convention provides that Parties agree to cooperate, directly or, where appropriate, through competent international organizations, in the implementation of this Convention at the subregional, regional and global levels.

¹²³ See footnote 8.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
121	Make available commented examples of risk evaluations not based on risk assessments that fulfil criterion (b)(iii)	– Switzerland (PA-3) suggests including in the FRA Evaluation Toolkit a list of commented summaries of risk evaluations that are not risk assessments that fulfil criterion (b)(iii).	– Few notified FRAs based on risk evaluations that are not risk assessments have so far fulfilled criterion (b)(iii) (Switzerland)	Implementation through the development of scientific guidance and/or update of the FRA Evaluation Toolkit. <i>Note:</i> Available guidance includes the paper on bridging information available in the CRC Handbook ¹²⁴ to assist the CRC in judging the acceptability of a notification of FRAs, with respect to criterion (b)(iii), where the notifying Party has used a risk evaluation from another country.
122	Establish an expert team to assist in questions related to the submission of FRAs	– Switzerland (PA-3) proposes the establishment of a team of experts that can be consulted for questions on the notification of FRAs.	– Possible need of some Parties to benefit from assistance when drafting a FRA notification (Switzerland)	Implementation through a COP decision requesting the Secretariat to develop, based on nominations from Parties, a roster of experts willing to provide this service, or through the establishment of a new subsidiary body by the COP under Article 18(5)(a) of the Convention. Activities could also be implemented by individual Parties under Articles 15.3 ¹²⁵ and 16 ¹²⁶ of the Convention.
3. Actions to improve the identification of SHPFs				
130	Assist with identifying pesticide formulations that result in acute poisoning at the national level	– Sri Lanka (PA-3) highlights the need for further assistance to finalize a study on pesticide formulations leading to acute poisoning in the occupational context at the national level. A previous study on the topic could not be finalised because of financial constraints, and insufficient coordination, cooperation and commitment of stakeholders.	– Need for more refined data on acute pesticide poisoning (Sri Lanka)	Implementation by individual Parties under Articles 15.2 ¹²⁷ and 16 ¹²⁸ of the Convention. Activities to assist Parties with identifying pesticide formulations posing problems under conditions of use could also be part of the implementation of the TA plan. <i>Note:</i> The SHPF kit includes guidance on collecting data on pesticide poisoning (English), the FAO the guidelines on developing a reporting system for health and environmental incidents regulating from exposure to pesticides (English), the NIOSH guide for state-based programs on pesticide-related illness and injury surveillance (English) and a number of case studies and field tools. ¹²⁹

¹²⁴ The Handbook of working procedure and policy guidance for the CRC (English) is available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.

¹²⁵ See footnote 19.

¹²⁶ See footnote 8.

¹²⁷ See footnote 7.

¹²⁸ See footnote 8.

¹²⁹ See footnote 9.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
4. Actions to enhance the process of drafting and adoption of recommendations and draft DGDs by the CRC				
140	Strengthen the CRC	– Honduras (PA-3) suggests strengthening the subsidiary organs of the Convention.		Implementation processes will depend on the type of measures envisaged.
141	Increase the number of CRC members	– Venezuela (PA-5) proposes increasing the number of CRC members to include more views and improve information-exchange between the different regions.		Implementation must be in line with Article 18.6 (b) of the Convention (CRC is a body with a “limited” number of experts) and requires the adoption of a COP decision amending paragraph 1 ¹³⁰ of the Terms of Reference (ToRs) of the CRC.
142	Increase transparency in the work of the CRC	– Norway (PA-3) suggests strengthening the CRC by further increasing the transparency of its work, for example through the following actions: <ul style="list-style-type: none"> • Considering the need for translating/interpreting documents and proceedings in all six languages • Considering opening the CRC for further involvement of observers by allowing early comments on task group reports, inviting comments on Decision Guidance Documents (DGD), and allowing (e.g. Parties) to participate in intersessional work • Consider mechanism to ensure optimal use of information that Parties that are not members of the CRC and that submitted an FRA for the considered chemical may have at their disposition 		Implementation through a COP decision amending paragraph 10 ¹³¹ of the ToRs of the CRC. Implementation through a COP decision supplementing the ToRs of the CRC or mandating the CRC to complement/amend its working procedures to that effect. <i>Note:</i> The diagram in the Appendix provides an overview on opportunities for non-members to provide comments on task group report and draft DGDs according to the current procedures. Implementation through a COP decision supplementing the ToRs of the CRC or mandating the CRC to complement/amend its working procedures to that effect.
143	Improve consistency of CRC recommendations	– Australia (PA-4) suggests considering ways to improve the consistency with strategies and procedures that strengthen the foundation of the recommendations. Improving the		

Commented [A5]: Article 18.6(a) refers to “limited number”

¹³⁰ Paragraph 1 of the ToRs states that the CRC is composed of 31 members. The ToRs are set out in decision RC-1/6.

¹³¹ Paragraph 10 refers to paragraph 17 of the ToRs of the interim CRC, which provides that the meetings are held in English only and draft DGDs to be considered by the CRC and forwarded to the COP should be available in all six languages. The ToRs of the CRC are set out in decision RC-1/6.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<p>predictability in how the CRC operates will improve the CRC recommendations, COP decisions, CRC nominations and compliance with the Convention more broadly. Potential areas to explore include:</p> <ul style="list-style-type: none"> Increasing guidance on CRC procedures Entitling the CRC to seek information from external experts, private sector and public interest bodies or non-member Parties to assist deliberations (as in Persistent Organic Pollutants Review Committee of the Stockholm Convention (POPRC)¹³²) 		<p>Implementation through a COP decision supplementing the ToRs of the CRC or mandating the CRC to further specify its working procedures to that effect.</p> <p>Implementation through a COP decision supplementing the ToRs of the CRC or mandating the CRC to complement/amend its working procedures to that effect.</p>
144	Strengthen technical, scientific information in CRC recommendation	<ul style="list-style-type: none"> Mexico (PA-2) suggests measures to strengthen the technical and scientific justification of CRC recommendations, as national and international companies have questioned the validity and neutrality of CRC decisions (e.g. case of paraquat). 	<ul style="list-style-type: none"> Scientific, technical and statistical data prepared by the CRC could be more robust, such as by categorically documenting health and environmental effects associated with exposure to the candidate chemical (Mexico) 	<p>Implementation through a COP decision supplementing the ToRs of the CRC or mandating the CRC to complement/amend its working procedures to that effect.</p>
145	Create a framework for the discussion of objections to the recommendation at the CRC level	<ul style="list-style-type: none"> Mexico (PA-3) proposes that Parties that do not share the recommendation of the CRC could back up their position with sufficient anticipation, so that the CRC and other Parties can evaluate the objections and reformulate the recommendation, and that Parties may consider the objections before the COP. 	<ul style="list-style-type: none"> Some Parties don't have the institutional capacity to defend their opposition to the recommendation (Mexico) Some Parties lack inter-ministerial coordination to take collective and consensual decisions (Mexico) No obligation on Parties that oppose a listing recommendation to support their position with technical and scientific evidence (Mexico) 	<p>Implementation through a COP decision mandating the CRC to complement/amend its working procedures or work practice to that effect.</p> <p>The CRC procedures cannot however create new obligations on Parties that are not in the Convention text. This would require following the amendment procedure enshrined in the Convention.</p>
146	Supplement the information available in the DGD	<ul style="list-style-type: none"> Norway (PA-4) proposes to strengthen the information exchange under the Convention, including by: 		

Commented [A6]: Currently CRC already considers this through participation of observers and nothing precludes CRC members engaging on an individual basis. Clarify if proposal is referring to the formal establishment of official rosters/panels of experts, etc.

Commented [A7]: It may be helpful to seek clarification of what is meant by "categorically documenting" in this context.

¹³² See in particular paragraphs 10 to 14 of the ToRs of the POPRC. The ToRs were adopted by decision SC-1/7 and amended by decisions SC-4/20 and SC-5/11 and are available for downloading on the Stockholm Convention website at <http://chm.pops.int/TheConvention/POPsReviewCommittee/OverviewandMandate/tabid/2806/Default.aspx>

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> Encouraging Parties to share additional information and where possible, to include such information in DGDs; Including information from other MEAs and IGOs in the DGDs where relevant and possible. 		<p>Implementation by individual Parties under Article 14.1 (a) ¹³³ of the Convention, for example, in combination with a COP decision encouraging Parties to share information for the DGDs and/or establishment of mechanisms to facilitate collection/submission of that information.</p> <p>Implementation through a COP decision mandating the CRC to collect this information and complement the working procedures, if necessary.</p> <p><i>Note:</i> The CRC working papers for preparing DGDs for banned or severely restricted chemicals and for SHPFs already provides for the inclusion of information from IGOs including results of international reviews such as those of WHO/IPCS/JMPR/IARC.</p>
5. Actions to facilitate consensus-finding at the COP				
150	Promote a shared understanding of the listing procedure	<ul style="list-style-type: none"> Mexico (PA-4) proposes that the Secretariat offer training and disseminate information on the implications of listing a chemical in Annex III, as the business sector considers that listing implies a prohibition on trade. Switzerland (PA-5) proposes awareness-raising activities to increase the understanding about the purpose and value of the Rotterdam Convention and the implications of listing. Sustainable Development Goals (SDGs) related to sound chemicals management could be used to promote the activities. Colombia (PA-2) proposes measures to ensure that the WTO recognize and undertake to inform its members of the benefits of the PIC procedure, as regards competitiveness, sustainability, and rational management of chemicals. Colombia, in particular, suggests exploring 	<ul style="list-style-type: none"> Lack of resources to organize trainings and disseminate information (Mexico) Some information materials and webinars are only available in English (Mexico) Misconception among some stakeholders that the Rotterdam Convention restricts trade when it is in reality about information-sharing to promote a transparent and effective trading system (Switzerland) Need for improved understanding of and commitment to the implementation of the Convention and the rational management of chemicals by actors involved in the trade of chemicals (Colombia) 	<p>Implementation through public awareness activities and materials,</p> <p>Implementation through existing and/or new measures to enhance information-exchange with the WTO (MoU, joint TA activities, awareness-raising events during WTO meetings, etc.). The implementation process will depend on the type of measures envisaged.</p> <p><i>Note:</i> The Secretariat has sought observer status in the WTO Committee on Trade and Environment (CTE), as requested by the COP¹³⁴ (the request is</p>

¹³³ Article 14.1 of the Rotterdam Convention provides that each Party shall facilitate: (a) The exchange of scientific, technical, economic and legal information concerning the chemicals within the scope of the Convention, including toxicological, ecotoxicological and safety information; (b) The provision of publicly available information on domestic regulatory actions relevant to the objectives of the convention; and (c) The provision of information to other Parties, directly or through the Secretariat on domestic regulatory actions that substantially restrict one or more uses of the chemical, as appropriate.

¹³⁴ See decisions RC-1/15, RC-4-10 and RC-5/13.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		the possibilities for signing a memorandum of understanding (MoU) with the WTO with regard to exchange and dissemination of information on the implementation of the Rotterdam Convention.		pending). It also participates on an ad hoc basis and upon invitation in meetings of that body when relevant.
151	Clarify the basis for listing decisions at the Conference	<p>– Australia (PA-5) suggests examining the factors considered by Parties in making their listing decisions and whether these factors align with the Convention’s goals. Information on listing factors could serve as a basis for an analysis on the relationship between the CRC and the COP in the listing process, with the aim to reduce work duplications, minimise the re-production of positions and improve timeliness in decision-making.</p> <p>– Mexico (PA-5) proposes the elaboration of a methodology to guide Parties in taking national decisions on listing, taking into account environmental, commercial, agricultural production and health aspects to favour balanced decision-making. The Latin American and Caribbean Countries’ (GRULAC) representatives in the CRC rarely inform the region about discussions and work progress between the COPs. Mexico suggests, in particular, that the intersessional working group could propose a draft decision on the adoption of a methodology to COP-9.</p>	<p>– Lack of information on the factors considered by Parties when making a listing decision at COPs. Information on decision factors may provide insight on how to progress future listings. (Australia)</p> <p>– Lack of a methodology and technical and scientific criteria for Parties to back up their opposition to the listing of a chemical (Mexico)</p> <p>– Lack of a methodology on how CRC members should inform their region on the different themes discussed and to collect scientific information in the region for consideration by the CRC (Mexico)</p>	<p>Implementation through a COP decision mandating the Secretariat or an intersessional working group to collect the information and analyse the relationship between the CRC and COP.</p> <p>Implementation through a COP decision mandating the elaboration of a methodology, or adopting a methodology prepared by the intersessional working group.</p>
152	Promote a shared understanding of key terminology of the Convention	– Australia (PA-2) suggests addressing disagreements and misunderstanding of the Convention’s mechanisms, processes and decision-making functions, by making key	– Lack of information on which terms require further clarification (Australia)	<p>Implementation through, for instance:</p> <ul style="list-style-type: none"> • the intersessional working group, as part of its mandate to identify a set or prioritized recommendations for the COP, • as a follow-up to decision RC-8/14,¹³⁵

¹³⁵ Paragraph 10 (a) of decision RC-8/14 on synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes requests the Secretariat to “seek, subject to the availability of resources, comments from parties and others on further areas, including areas common to two or three of the conventions, in which legal clarity could be improved as a means of preventing and combating illegal traffic and trade in hazardous chemicals and wastes and, based on those comments, to prepare a report, including recommendations, for consideration by the Conference of the Parties at its next meeting”.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<p>terminology of the listing process less ambiguous. To better enable Parties to consider the issue, Australia proposes an analysis on whether other Conventions were confronted with a similar issue and how they dealt with it. Possible solutions may include:</p> <ul style="list-style-type: none"> • Developing policy on key terminology; • Educating Parties on key terminology; • Providing more clarity in the text of the Convention. 	<ul style="list-style-type: none"> – Lack of information on how other conventions have dealt with similar issues (Australia) 	<ul style="list-style-type: none"> • through a new COP decision, tasking the Secretariat to undertake such an analysis. <p>Implementation through a COP decision mandating an intersessional working group to clarify key terminology (e.g. development of a glossary of terms for possible adoption by the COP).</p> <p>Implementation through public awareness activities and materials.</p> <p>Implementation through a COP decision amending¹³⁶ the Convention text.</p> <p>The amendment enters into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by its entry into force. All other Parties continue to be bound by the original Convention text.</p> <p>If ratified/accepted/approved by all Parties, all Parties will be bound by the new Convention text. The clarifications could fulfil their purpose of enhancing the shared understanding of the procedures under the Convention and their operation.</p> <p>If not ratified/accepted/approved by all Parties, which is the more likely scenario, not all Parties will be bound by the same Convention text</p>
153	Improve the understanding of the effects of listing on trade	<ul style="list-style-type: none"> – Bahrain (PA-3) suggests analysing the impact of listing on the market, including an assessment of the scope of that impact. – Bahrain (PA-4) further proposes a study based on Party consultations as to how listing impacts on industry and other actors. 	<ul style="list-style-type: none"> – The European Commission publication that is being prepared should be made available to all Parties (Bahrain) – Need to solicit information from industry on what factors hinder the export market of listed substances (Bahrain) 	<p>Implementation by a COP decision mandating the Secretariat to make the publication of the European Commission available to all Parties, upon its completion.</p> <p>Implementation through a COP decision mandating the Secretariat to conduct a survey to gather information from industry on export impediments for listed substances.</p>

¹³⁶ The procedure for proposing and adopting amendments to the Convention text is set out in Article 21 of the Rotterdam Convention. The amendment must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 21.1 and 21.2 of the Convention). The COP then decides on the adoption of the amendment by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 21.3 of the Convention). Following the adoption, the amendment is communicated to all Parties.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> Canada (PA-4) proposes more work to determine what effects on trade other than those identified in the Secretariat study (UNEP/FAO/RC/COP.8/INF/21) result when a substance is listed. Criticism of the study stressed that although listing may not lead to an official ban, there may be indirect effects such as the ineligibility of a listed pesticide for certain funded projects. Peru (PA-2) proposes the development of a study on impacts resulting from the listing of a chemical in Annex III and prohibitions or restrictions that may be triggered by the listing. Switzerland (PA-4) proposes a study on the impacts of listing, providing a realistic picture of what happens when a chemical is listed. 	<ul style="list-style-type: none"> Lack of information on situations where listed pesticides become ineligible for funded projects (Canada) Lack of information on whether the listing of a chemical triggers prohibitions or restrictions or whether it does not affect trade among those Parties that decide to continue using the chemical (Peru) Lack of realistic picture of the impacts of listing a chemical in Annex III, including whether listing triggers bans at the national level, whether listing results in an increase of FRAs and whether listing stimulates the development and use of alternatives (Switzerland) 	<p>Implementation through a COP decision mandating the Secretariat to undertake further work on the topic.</p> <p><i>Note: A first study of information on the impacts of listing chemicals in Annex II to the Rotterdam Convention considered at COP-8 is available in document UNEP/FAO/RC/COP.8/INF/21.</i></p>
154	Permit a flexible entry into force of the PIC procedure for individual States	<ul style="list-style-type: none"> The EU and its member States (PA-3) propose amending the Convention to allow for flexibility with regard to the entry into force and/or acceptance of listing decisions by individual Parties. The national needs of some Parties could be taken into account in the listing decision, for example by providing for the deferred entry into force of the decision for that Party or including a possibility to opt out of the listing. The EU and its member 	<ul style="list-style-type: none"> Lack of information on the legal options for and consequences of such an amendment (EU and its member States) Lack of information on procedural requirements and steps for implementation (EU and its member States) Lack of information on the timeline for implementing the amendment (EU and its member States) 	<p>Implementation through a COP decision amending¹³⁷ Article 22.5 (c), 2nd sentence,¹³⁸ of the Convention: The amendment either provides for the possibility for the COP to decide on different dates for the entry into force of the decision amending Annex III (option A), or it provides for the possibility to opt out (i.e. addition of text similar to Article 22.3 (b) of the Stockholm Convention¹³⁹) (option B).</p> <p>The amendment enters into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by it. All other Parties continue to be bound by the original Convention text.</p>

¹³⁷ The procedure for proposing and adopting amendments to the Convention text is set out in Article 21 of the Rotterdam Convention. The amendment must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 21.1 and 21.2 of the Convention). The COP then decides on the adoption of the amendment by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 21.3 of the Convention). Following the adoption, the amendment is communicated to all Parties.

¹³⁸ Article 22.5 (c) of the Rotterdam Convention provides that “[a] decision to amend Annex III shall forthwith be communicated to the parties b the Depositary. The amendment shall enter into force for all Parties on a date to be specified in the decision.”

¹³⁹ Article 22.3 (b) of the Stockholm Convention provides that “[a]ny Party that is unable to accept an additional annex shall so notify the depositary, in writing, within one year from the date of communication by the depositary of the adoption of the additional annex. The depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of any additional annex, and the annex shall thereupon enter into force for that Party subject to subparagraph (c).”

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		States suggest that the wording could be amended as follows: “The amendment shall enter into force on the date(s) to be specified in the decision” or “the amendment shall enter into force as specified in the decision”.	– Lack of information on practical consequences for the implementation for the Convention (EU and its member States)	<p>If ratified/accepted/approved by all Parties, the amendment would enable the COP to decide on different dates of entry into force of the amendment-listing of a chemical in Annex III for any given individual Party or groups of Parties (option A), or the Convention would provide the possibility for a Party to notify the depositary that it is unable to accept the amendment-listing of a chemical in Annex III (option B), thereby establishing variations in the dates of coming into effect of the obligations associated with the PIC procedure (Article 10).</p> <p>If the amendment comes into effect without being ratified/accepted/approved by all Parties, which is the more likely scenario, the possible legal and operational implications may need to be further explored. The preliminary information in the following paragraphs answers the request for the Secretariat to present in the present report information on the legal and operational implications of this scenario. Parties may however wish to request the Secretariat to seek the views of Parties on the matter, and/or to seek a legal opinion from the Office of Legal Affairs of the United Nations.</p> <p>The preliminary view is that if the amendment enters into force without being ratified/accepted/approved by all Parties, it will create two separate sets of rights and obligations for Parties. For Parties bound by the original Article 22.5 (c), the decision amending Annex III would come into force on a date to be specified in the decision.</p> <p>For Parties bound by the amended Article 22.5 (c), the implications depend on the nature of the amendment:</p> <p>If option A is followed, the COP could decide on different dates of entry into force of the amendment to Annex III for individual Parties or groups of Parties that have ratified/accepted/approved the amendment to Article 22.5 (c). If this decision to amend Annex III can be taken by consensus, by all Parties to the Convention, the existence of two parallel sets of rights and obligations would not impair the listing process. However, if the decision to amend Annex III cannot be taken by consensus by all Parties to the Convention, it would appear that two distinct decisions to list a chemical in Annex III would need to be adopted.</p> <p>If option B is followed, the decision to list a chemical in Annex III would not be affected as it is the Convention text that would give the possibility to a Party bound by the amended Article 22.5 (c) to notify the depositary that it is unable to accept the amendment.</p>

Commented [A8]: This paragraph is a bit hard to follow because it seems to be referring to different types of amendments. My proposed edits reflect what I think is intended here.

Commented [A9]: Even if all Parties accepted an amendment to Article 22.5(c), I agree with the Secretariat’s comments that this would result in variations in the dates of coming into effect of obligations related to listed chemicals. It should also be noted that if the amendment option allows for “opt out” rather than deferral, then it would result in variations in Parties’ obligations (not just variation in dates of coming into effect.)

Commented [A10]: The decision to list in Annex III still needs to be taken by consensus, as the proposal here is not to amend the way that decision is made (Article 22.5 b) , but to amend how the new listing enters into force (Article 22.5 c).

Commented [A11]: Under the *Vienna Convention on the Law of Treaties*, Parties which accept the amendment to Article 22.5 would still be bound by their original obligations vis-à-vis any Party which does not accept the amendment. If a chemical is listed in Annex III, Parties that did not accept the amendment to Article 22.5(c) would still be entitled to have their import decisions regarding that chemical respected by all Parties (even those that accepted the amendment to Article 22.5(c) and that have a deferred entry into force date or the possibility to opt out) under the original terms of the Convention.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
				Under both options A and B, the amended Article 22.5 (c) would establish variations in the dates of coming into effect of the obligations associated with the PIC procedure (Article 10).
6. Actions to amend the decision-making process for listing chemicals				
160	Subject chemicals to a voluntary PIC procedure, where a (qualified) majority of Parties agrees to their listing	<ul style="list-style-type: none"> – Canada (PA-1) proposes continued use of Article 14 to as a means for Parties to implement a voluntary PIC mechanism for substances that have no yet achieved consensus. – The EU and its member States (PA-2) propose the adoption of standalone decision at the Conference of the Parties that invite Parties to apply the PIC procedure on a voluntary basis to chemicals for which consensus could not be reached. Parties would have the possibility to subscribe to that voluntary procedure either during the Conference or later on. The voluntary procedure would apply until the next Conference. Such a mechanism has the advantages of ensuring that chemicals are kept on the agenda of the Conference of the Parties and of allowing all Parties that support the listing to apply the PIC procedure and benefit from the control procedures established by the Convention. The decision could also mandate the Secretariat to exercise certain 	<ul style="list-style-type: none"> – Lack of information on the legal options for and consequences of such an amendment (EU and its member States) – Lack of information on procedural requirements and steps for implementation (EU and its member States) – Lack of information on the timeline for implementing the amendment (EU and its member States) – Lack of information on practical consequences for the implementation for the Convention (EU and its member States) 	<p>Implementation by individual Parties under Article 14.1¹⁴⁰ of the Convention, for example in combination with a COP decision inviting Parties to inform other Parties of their decisions regarding import and management of chemicals for which listing in Annex III could not be decided.</p> <p><i>Note:</i> The COP has previously adopted decisions with respect to chemicals for which <u>consensus for listing in Annex III could not be decided</u> was not been achieved to encourage Parties to make use of all available information to assist others, in particular developing Parties and Parties with economies in transition, to make informed decisions regarding import and management of the substance and to inform other Parties of those decisions using the information-exchange provisions of Article 14.¹⁴¹</p> <p>Implementation through COP decisions inviting Parties to apply the PIC procedure on a voluntary basis. This approach requires a new decision for each chemical for which consensus could not be reached.</p>

Commented [A12]: Proposed revision to clarify that consensus was not achieved in these cases, as opposed to could not be achieved.

¹⁴⁰ See footnote 30.

¹⁴¹ See, for example, decisions RC-3/3 and RC-4/4 (on chrysotile asbestos), RC-4/6 (on endosulfan), RC-6/8 (on liquid formulations containing paraquat), RC-8/6 (on carbosulfan), and RC-8/7 (on fenthion).

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		responsibilities with regard to the implementation of the voluntary PIC procedure. – The EU and its member States (PA-4) suggest amending the Convention to establish a new Annex for chemicals for which it is not possible to reach consensus in order to subject them to a voluntary PIC procedure. Chemicals would automatically be listed in this new annex if the Conference of the Parties failed to list them.	– Lack of information on the legal options for and consequences of such an amendment (EU and its member States) – Lack of information on procedural requirements and steps for implementation (EU and its member States) – Lack of information on the timeline for implementing the amendment (EU and its member States) – Lack of information on practical consequences for the implementation for the Convention (EU and its member States)	Implementation through a COP decision adopting ¹⁴² an additional annex. ¹⁴³ The new annex enters into force one year after its notification. Only Parties that did not declare that they are unable to accept the additional annex will be bound by the new annex upon its entry into force. Parties would also need to consider the procedure for amending the new annex each time there is a failure to reach consensus on a listing if the intention is for this procedure to derogate from the Convention text (Article 22.3).
161	Subject chemicals to the PIC procedure, where a (qualified) majority of Parties agrees to their listing	– Australia (PA-1) proposes to further consider options to amend the listing process for Annex III, including the proposal to allow for the listing decision to be taken by a three-fourth majority as a measure of last resort, or to add a new annex for chemicals that did not reach consensus. To better enable Parties to consider the issue, Australia proposes an analysis on whether other conventions were confronted with a similar issue and how they dealt with it.	– Lack of information on whether other conventions amended their text to address similar problems and what the practical outcome of those amendments was (Australia)	Implementation through the intersessional working group, as part of its mandate to identify a set or prioritized recommendations for the COP, or through the COP, tasking the Secretariat to undertake such an analysis.

Commented [A13]: Automatic amendments to a new annex are not currently provided for in the Convention text.

¹⁴² The procedure for proposing and adopting new annexes to the Convention text is set out in Article 22 of the Rotterdam Convention. The new annex must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 22.3 (a) of the Convention). The COP then decides on the adoption of the new annex by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 22.3 (a) of the Convention). Following the adoption, the new annex is communicated to all Parties. Parties that are unable to accept an additional annex must so notify the Depositary, in writing, within one year from the date of communication (Article 22.3 (b) of the Convention).

¹⁴³ Article 22.1 of the Rotterdam Convention provides that “Annexes shall be restricted to *procedural, scientific, technical or administrative* matters”. The annex would need to be legally grounded in the Convention text. The scenario is distinct from the case of the adoption of the Annexes VIII and IX to the Basel Convention, which were an elaboration of an existing annex (Annex I). Determination of the legal basis in the Convention text for the suggested voluntary PIC mechanism may require further analysis of the different articles of the Convention that could serve as a basis for its adoption (e.g. the obligations of Article 14 on information exchange or an amendment to the Convention).

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> - Bahrain (PA-1) suggests changing the decision-making for listing, to ensure that no State as veto power to oppose listing, where a vast majority supports the listing. - Canada (PA-2) highlights the need for a robust and informed discussion on the legal and operational impacts, challenges as well as benefits, of allowing for chemicals to be listed by vote by amending the text of the Convention. - Ecuador (PA-1) proposes to change the voting procedure, because the efforts of some countries to provide studies on the effects of those substances did not have the expected impact on the COP. Ecuador recalls that the object of including chemicals in Annex III is to address human health and environmental problems, not to guarantee commercial interests. - The EU and its member States (PA-5) suggest the adoption of an amendment to the Convention to the effect to change the listing procedure and allow for a majority vote as a measure of last resort where it is impossible to reach consensus. The new voting mechanism should ensure that a majority decision is binding for all Parties that have ratified the amendment. All decisions adopted by consensus would be handled by the normal procedure. - Switzerland (PA-1) suggests exploring, in a process including Parties 	<ul style="list-style-type: none"> - Lack of analysis as to why consensus could not be reached in specific cases (Bahrain) - Lack of information on Parties' views, rationales and barriers moving forward (Canada) - Lack of information on legal aspects related an amendment of the listing procedure (Ecuador) - Lack of legal opinions on the consequences of the amendment (EU and its member States) - Lack of information on procedural requirements and steps for the implementation of the amendment (EU and its member States) - Lack of information on the timeline for implementing the amendment (EU and its member States) - Lack of information on practical consequences for the implementation for the Convention (EU and its member States) 	<p>Implementation through a COP decision amending¹⁴⁴ Article 22.5 (b)¹⁴⁵ of the Convention.</p> <p>The amendment enters into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by its entry into force. All other Parties (max. one fourth of the Parties) continue to be bound by the original Convention text.</p> <p>If ratified/accepted/approved by all Parties, all Parties will be bound to apply the PIC procedure upon entry into force of the decision amending Annex III.</p> <p>If not ratified/accepted/approved by all Parties, which is the more likely scenario, the possible legal and operational implications may need to be further explored. The preliminary information in the following paragraphs answers the request for the Secretariat to present in the present report information on the legal and operational implications of this scenario. Parties may however wish to request the Secretariat to seek the views of Parties on the matter, and/or to seek a legal opinion from the Office of Legal Affairs of the United Nations.</p> <p>The preliminary view is that if the amendment enters into force without being ratified/accepted/approved by all Parties, it will create two separate sets of rights and obligations for Parties. The impact of this dual regime will not raise implications in practice if the decision amending Annex III is adopted by consensus. If however Parties are unable to reach agreement by consensus on amending Annex III, then only the Parties bound by the amended Article 22.5 (b) could proceed with decision-making by voting, and if a decision is adopted to list a chemical, only those Parties would be bound by the decision listing the chemical and the obligations associated with the PIC procedure (Article 10).¹⁴⁶</p> <p><i>Note:</i> Available information includes the thought starter on “Ensuring the continued effectiveness of the Rotterdam Convention”</p>

Commented [A14]: I do not see Canada's proposal addressed in the third column. Perhaps it should be moved up under Australia's proposal since it would seem to fall within the scope of discussion within the intersessional working group.

¹⁴⁴ The procedure for proposing and adopting amendments to the Convention text is set out in Article 21 of the Rotterdam Convention. The amendment must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 21.1 and 21.2 of the Convention). The COP then decides on the adoption of the amendment by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 21.3 of the Convention). Following the adoption, the amendment is communicated to all Parties.

¹⁴⁵ Article 22.5 (b) of the Rotterdam Convention provides that “[t]he Conference of the Parties shall take its decision on adoption by consensus”.

¹⁴⁶ A similar situation may also occur under the Stockholm Conventions, for example. The Stockholm Convention allows for the possibility to list new POPs by a three-quarter majority decision.¹⁴⁶ Individual Parties may, however, opt out of any amendment by notifying their objection to the Secretariat.¹⁴⁶ Where a Party has made such a notification, the Convention regime does not apply to that Party for that specific chemical.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		only, how different options of amending the Convention could increase its effectiveness. This should include the option of amending the listing process to enable voting. – Yemen (PA-3) proposes amending the procedure for amending Annex III. It also refers to the option of increased information-exchange through the Secretariat.		(UNEP/FAO/RC/COP.4/13) and the documentation on the amendments proposed at COP8 (UNEP/FAO/RC/COP.8/16/Add.1).
162	Subject chemicals to the PIC procedure, where a (qualified) majority of Parties agrees to their listing, with the possibility to opt out	– Mexico (PA-1) suggests modifying the decision-making process for listing chemicals to align it with the listing process under the Stockholm Convention to avoid that some chemicals remain unlisted for several COPs.	– Lack of understanding of the complexities involved in modifying Article 22.5 to align it with Article 21.3 of the Stockholm Convention (Mexico)	Implementation through a COP decision by amending ¹⁴⁷ Articles 22.4 and 22.5 ¹⁴⁸ of the Convention. The amendment enters into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by its entry into force. All other Parties continue to be bound by the original Convention text. If ratified/accepted/approved by all Parties, the amendment will create two separate sets of rights and obligations for each newly listed chemical, unless none of the Parties chooses to opt out of a decision listing a specific chemical. ¹⁴⁹ If not ratified/accepted/approved by all Parties, which is the more likely scenario, the possible legal and operational implications may need to be further explored. The preliminary information in the following paragraphs answers the request for the Secretariat to present in the present report information on the legal and operational implications of this scenario. Parties may however wish to request the Secretariat to seek the views of Parties on the matter, and/or to seek a legal opinion from the Office of Legal Affairs of the United Nations.

Commented [A18]:

If we are keeping but amending 22.5, and thus a particular regime remains for Annex 3 amendments, why do we need to amend 22.4?

Commented [A16]: The Stockholm Convention includes the possibility of “opt-in” Parties, ie for Parties to declare that the listing of any new chemical only enters into force for that Party upon its ratification of the listing. Is that possibility included in this proposal?

Commented [A17]: Stockholm listings can be added by vote, if all efforts at consensus have been exhausted (SC Article 21.3), whereas RC stipulates Annex III listing are by consensus. This suggestion would imply changing the RC treaty text to allow vote -- versus being about opt-in or opt-out. That being said, adding the ability to opt-out, could be another treaty amendment to consider (and is covered below in comments)

Commented [A15]: Logistically and operationally unclear. What is being opted out of? - a) The requirement of importers to provide a PIC response?, or, b) requirement of exporters to get consent? (or, c) Both?).

Also opt in/opt out under Stockholm is different because it requires prohibition. Rotterdam only requires P.I.C.

¹⁴⁷ The procedure for proposing and adopting amendments to the Convention text is set out in Article 21 of the Rotterdam Convention. The amendment must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 21.1 and 21.2 of the Convention). The COP then decides on the adoption of the amendment by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 21.3 of the Convention). Following the adoption, the amendment is communicated to all Parties.

¹⁴⁸ Article 22.4 *ab initio* of the Rotterdam Convention makes reference to “Except in the case of Annex III”. Article 22.5 of the Rotterdam Convention provide that “[t]he Conference of the Parties provides for the special procedure to amend Annex III.

¹⁴⁹ This is also the situation of the Stockholm Conventions, for example. The Stockholm Convention allows for the possibility to list new POPs by a three-quarter majority decision.¹⁴⁹ Individual Parties may, however, opt out of any amendment by notifying the Depositary that they are unable to accept it. Where a Party has made such a notification, the Convention regime does not apply to that Party for that specific chemical.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
				<p>The preliminary view is that if the amendment enters into force without being ratified/accepted/approved by all Parties, it would appear to create three separate sets of rights and obligations for Parties. The first set would apply to those Parties that have not ratified/accepted/approved the amendment of Articles 22.4 and 22.5. They would only be bound by the obligations associated with the PIC procedure (Article 10) if Parties reach agreement by consensus on amending Annex III.</p> <p>However, if Parties are unable to reach agreement by consensus on amending Annex III, the Parties that ratified/accepted/approved the amendment of Articles 24 and 22.5 could proceed with decision-making by voting. If a decision is adopted to list a chemical, a Party that has ratified/accepted/approved the amendment of Articles 22.4 and 22.5 would be bound by the decision to list the chemical and the obligations associated with the PIC procedure (Article 10) (second set of rights and obligations), unless it decides to opt out (third set of rights and obligations).</p>

Commented [A19]: Would the amendment allow for parties to opt out/opt in even if the chemical is listed by a consensus COP decision?

Category B: The PIC procedure

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
	1. Actions to improve compliance with the obligation to transmit export notifications			
210	Encourage producer countries to transmit export notifications to developing countries before exporting dangerous chemicals	– The Democratic Republic of the Congo (PA-3) proposes measures to encourage pesticide producer countries to notify exports in a responsible manner before exporting hazardous chemicals to developing countries.		<p>Implementation through public awareness activities and materials.</p> <p>Could potentially be included in the general review mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330).</p> <p><i>Note:</i> The Convention only requires that an exporting State transmits an export notification if that State has severely restricted or banned the chemical that is exported.¹⁵⁰ RC-7/2 requested the Secretariat to provide assistance to Parties, upon request, in implementing Articles 11.2(c) and 12.</p>

Commented [A20]: And where that substance is not already subject to PIC (i.e. listed in Annex III).

Commented [A21]: Under proposed action, if above and beyond Article 12 requirements, then new procedures/criteria would be required to define what is a “dangerous chemicals”?

¹⁵⁰ See Article 12.1 of the Rotterdam Convention.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
211	Assist importing Parties to acquire the necessary logistic means to promptly acknowledge receipt of export notifications	– The Democratic Republic of the Congo (PA-4) proposes that Rotterdam Convention Designated national authorities (DNAs) be equipped with the necessary logistical means (computer, internet connection) to provide real-time replies to export notifications.		Implementation through the TA plan or technology transfer.
212	Send only one notification per chemical	– Kuwait (PA-2) proposes that chemical notifications should not be sent several times even where the Party has responded, as this creates confusion because the chemical is studied with each notification a new.	– Notifications should only be sent once to avoid confusions (Kuwait)	The proposal would benefit from further elaboration. <i>Note:</i> The Convention obliges exporting Parties to resend an export notification before the first export in every calendar year, if it has adopted a major change to the FRA in question, or if it did not receive an acknowledgement of receipt by the importing Party within 30 days of notification. The obligation to notify before the first export in any calendar year may be waived by the importing Party. ¹⁵¹
2. Actions to improve Parties' provision of import responses				
220	Expedite national process to adopt import responses	– Bosnia and Herzegovina (PA-1) identifies the preparation and submission of and import response for each listed chemical as a priority action at the national level.	– Different regulatory regimes in different parts of the country and corresponding delays in the process of adopting national import responses (Bosnia and Herzegovina)	Implementation by individual Parties under Article 15.1 ¹⁵² of the Convention. Activities to assist Parties in expediting national processes for the adoption of import responses could also be part of the TA plan. Could potentially be included in the general review mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330).
221	Create new mechanisms to assist developing countries with adopting and enforcing import responses	– Yemen (PA-5) proposes the creation of mechanisms to help Parties, in particular developing countries, adopt and give effect to their import decisions. This includes: • Greater efforts to ensure that scientific information is synthesized and presented in a clear way to be useful to decision-makers and non-specialist stakeholders.	– Lack of capacity in developing countries, such as inadequate IT equipment, limited ability to access background materials, limited data interpretation capacity, and limited access to decision support systems (Yemen) – Insufficient information relevant to developing countries, such as information on alternatives (Yemen) – Limited sharing of information within the region, which is made more	Implementation processes will depend on the type measures envisaged. <i>Note:</i> The resource kit ¹⁵³ includes the health and safety guides (HSGs) that provide concise information, using non-technical language, for decision-makers

¹⁵¹ See Article 12 of the Rotterdam Convention.

¹⁵² See footnote 16.

¹⁵³ The resource kit is available at <http://www.pic.int/Implementation/ResourceKit/tabid/1064/language/en-US/Default.aspx>.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> • A platform for information-sharing about national regulatory decisions on chemicals and pesticides should be made available in all six languages to help Parties learn more about the characteristics of potentially hazardous chemicals that may be imported. 	<p>difficult by frequent changes of OCPs (Yemen)</p> <ul style="list-style-type: none"> – Lack of mechanism to assist countries, particularly developing countries in implementing the Convention (Yemen) 	<p>on risks from exposure to chemicals, together with practical advice on medical and administrative issues.¹⁵⁴</p> <p>Could be implemented in the context of the development of the clearing-house mechanism for information exchange.</p>

3. Actions to improve Parties’ control of chemicals imports

230	Train national authorities with respect to the development of import standards	– Ecuador (PA-2) suggests providing training to customs and commercial authorities with respect to the development of standards for identifying pesticides and hazardous chemicals at import controls, based on experiences in other countries.	<ul style="list-style-type: none"> – Lack of knowledge on standards for import controls for chemicals (Ecuador) – Lack of exchange of experiences with other countries on the application of import controls for chemicals (Ecuador) 	<p>Implementation by individual Parties under Articles 15.1¹⁵⁵ and 16¹⁵⁶ of the Convention.</p> <p>Activities to train customs and commercial authorities could also be part of the TA plan.</p> <p><i>Note:</i> Decisions RC-8/14 requested the Secretariat to support Parties, upon request and within available resources, on matters pertaining to the implementation and enforcement of the provisions aimed at controlling the export and import of chemicals, including the development and updating of national legislation or other measures. Training activities organized by the Rotterdam Convention Secretariat targeting customs authorities are carried out through the Green Customs Initiative (GCI). Furthermore, relevant information on the Rotterdam Convention has been made available through the World Customs Organization (WCO) training centres, customs enforcement network and website.</p>
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¹⁵⁴ The reference and link to the HSGs is available in Section E.3 of the resource kit at <http://www.pic.int/Implementation/RessourcesKit/SourcesofInformationonHazardousChemicals/tabid/1503/language/en-US/Default.aspx>.

¹⁵⁵ See footnote 16.

¹⁵⁶ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		– Afghanistan (PA-4) proposes the development of national standards for goods (e.g. consumer goods) containing chemicals.	– Lack of information on production, trade and uses of chemicals (Afghanistan) – Lack of information on hazardousness (Afghanistan) – Lack of information on supply chains (Afghanistan)	The specific issue of pollution standards for imported goods falls outside the scope of the Rotterdam Convention.
231	Assist with the development of trade control mechanisms	– Jordan (PA-4) identifies the need at the national level to establish a mechanism to restrict trade in chemicals as a result of their listing.	– Lack of financial and technical capacity to carry out studies on the risks of chemicals (Jordan)	Implementation by individual Parties under Articles 15.1 ¹⁵⁷ and 16 ¹⁵⁸ of the Convention. Activities to assist Parties with establishing trade control mechanisms could also be part of the TA plan.
232	Assist with the development and operation of analytical laboratories for import controls	– Afghanistan (PA-3) identified the need for analytical laboratories to analyse and detect hazardous materials in imported goods, including established procedure to conduct the analyses (protocols on the collection of samples, drafting of technical reports, safe management at Customs)	– Lack of information on chemicals and their adverse effects (Afghanistan) – Lack of data on chemical release (Afghanistan) – Lack of data on soil, water, waste sludge, etc. contamination (Afghanistan) – Lack of monitoring data to inform policies (Afghanistan)	Implementation by individual Parties under Articles 15.1 ¹⁵⁹ and 16, ¹⁶⁰ through the TA plan and/or technology transfer. <i>Note:</i> Training activities organized by the Rotterdam Convention Secretariat targeting customs authorities are carried out under the TA plan and through the GCI. Furthermore, relevant information on the Rotterdam Convention has been made available through the WCO training centres, customs enforcement network and website. Available guidance includes the fact sheet on the role of customs in the implementation of the Rotterdam Convention, the training manual for customs officers on hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm conventions, ¹⁶¹ the case studies on customs-related aspects of the Rotterdam convention, the green customs guide to multilateral environmental agreements (MEAs), and the manual on compliance with and enforcement of MEAs.
233	Assign HS codes to all compounds listed in Annex III	– Sri Lanka (PA-5) proposes to assign Harmonized System codes (HS codes) for the full spectrum of compounds listed in Annex III, for better identification of pesticides.	– Poor customs awareness (Sri Lanka)	The assignation of HS codes falls within the mandate of the WCO (the Secretariat already requested the assignment of HS codes for all newly listed chemicals, this work is ongoing). <i>Note:</i> The list of assigned HS codes is available on the Convention website. ¹⁶²

¹⁵⁷ See footnote 16.

¹⁵⁸ See footnote 8.

¹⁵⁹ See footnote 16.

¹⁶⁰ See footnote 8.

¹⁶¹ The training manual for customs officers on hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm Conventions is available at <http://synergies.pops.int/Implementation/TechnicalAssistance/ToolsandMethodologies/ManualforCustomsOfficers/tabid/4457/language/en-US/Default.aspx>. All other guidance documents mentioned in the note are available at <http://www.pic.int/Implementation/Customs/DocumentsLinks/tabid/1614/language/en-US/Default.aspx>.

¹⁶² See <http://www.pic.int/TheConvention/Chemicals/HarmonizedSystemCodes/tabid/1159/language/en-US/Default.aspx>.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
4. Actions to improve the implementation of the PIC procedure in general				
240	Promote and improve the PIC circular	<ul style="list-style-type: none"> – Norway (PA-4) proposes to strengthen the information exchange under the Convention, including by: <ul style="list-style-type: none"> • Promoting a more active use of the PIC Circular at the national level • Improving the format of the PIC circular to make it more user-friendly. 		<p>Implementation through public awareness activities and materials.</p> <p><i>Note:</i> The resource kit includes the user's guide for the PIC circular (Arabic, English, French, Russian, Spanish)</p> <p>Implementation through the Secretariat.</p>
241	Improve support mechanisms for the implementation of the PIC procedure in developing countries	<ul style="list-style-type: none"> – Australia (PA-3) proposes review and further improvement of support mechanisms for developing countries to implement the PIC procedure and associated administrative processes, such as by: <ul style="list-style-type: none"> • Providing support • Increasing education and awareness campaigns • Parties offering mentoring or secondments • Developing model regulatory frameworks 	<ul style="list-style-type: none"> – Lack of information on support mechanisms used under other conventions providing for a PIC procedure and their success (Australia) 	<p>As regards the lack of information on other Conventions, implementation could be:</p> <ul style="list-style-type: none"> • through the intersessional working group, as part of its mandate to identify a set or prioritized recommendations for the COP, • through the COP, tasking the Secretariat to gather such information and undertake such an analysis • potentially included in the general review mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330) <p>Implementation by individual Parties under Article 16¹⁶³ of the Convention and through the TA plan.</p> <p>Implementation through public awareness activities and materials.</p> <p><i>Note:</i> The resource kit includes a leaflet on the Rotterdam Convention and the PIC procedure (English, French, Spanish), and a leaflet on international trade control measures under the Basel, Rotterdam and Stockholm Conventions. Furthermore, the Guidance to DNAs on the operation of the Rotterdam Convention (Arabic, English, French, Russian, Spanish) includes a chapter on the PIC procedure.¹⁶⁴</p> <p>Implementation by individual Parties under Article 16¹⁶⁵ of the Convention.</p> <p>Implementation through the TA plan.</p>

¹⁶³ See footnote 8.

¹⁶⁴ See <http://www.pic.int/Implementation/ResourceKit/tabid/1064/language/en-US/Default.aspx>.

¹⁶⁵ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
				<p>Could potentially be included in the mandate of the compliance committee proposed to be established in terms of Article 17 (See PA 330).</p> <p><i>Note:</i> Available guidance materials include the Guide on the Development of National Laws (Arabic, Chinese, English, French, Russian, Spanish) and three legal case studies on implementation (Arabic, Chinese, English, French, Russian, Spanish).¹⁶⁶ Furthermore, decision RC-8/14 requested the Secretariat to support Parties, upon request and within available resources, on matters pertaining to the implementation and enforcement of the provisions aimed at controlling the export and import of chemicals, including the development and updating of national legislation or other measures, and to develop examples of the integration of the provisions of the Basel, Rotterdam and Stockholm conventions into national legal frameworks and to organize training activities, subject to the availability of resources and in collaboration with partners, to assist Parties, particularly developing-country Parties and Parties with economies in transition, in the development of national legislation and other measures to implement and enforce the provisions of the convention aimed at controlling the export and import of chemicals and wastes covered under the conventions.</p>
242	Create an online system for managing requests for prior consents and respective answers	– Costa Rica (PA-3) proposes setting up an online system for the management of request for prior consent and respective answers.	– Need for greater flexibility in the PIC system (Costa Rica)	<p>Could be implemented in the context of the development of the clearing-house mechanism for information exchange.</p> <p><i>Note:</i> Some of the PIC procedures are already available as online system, such as for the submission of import responses¹⁶⁷ and FRA notifications¹⁶⁸ and a database of import responses.</p>

Commented [A22]: This addition may be relevant to the “respective answers” of the priority action.

(<http://www.pic.int/Procedures/ImportResponses/Database/tabid/1370/language/en-US/Default.aspx>)

¹⁶⁶ The mentioned guidance documents are available in the resource kit at <http://www.pic.int/Implementation/RessourceKit/tabid/1064/language/en-US/Default.aspx#GUIDANCEINFO>.

¹⁶⁷ See <http://www.pic.int/Procedures/ImportResponses/FormandInstructions/tabid/1165/language/en-US/Default.aspx>.

¹⁶⁸ See <http://www.pic.int/Procedures/NotificationsofFinalRegulatoryActions/FormandInstructions/tabid/1182/language/en-US/Default.aspx>.

Category C: Overall effectiveness of the Convention

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
1. Actions to promote awareness at the national level				
310	Raise awareness on the Convention and its objectives	<ul style="list-style-type: none"> - Costa Rica (PA-1) proposes training to DNAs and OCPs on the Rotterdam Convention and synergies with the Basel and Stockholm Conventions. - The EU and its member States (PA-1) suggest enhancing the implementation of the Convention by improving the transparency of the implementation of the Convention at the national level and by raising awareness on the obligations of Parties and stakeholders. Furthermore stakeholders (exporters, users) could be involved in the national implementation process to ensure that they are fully aware of the consequences and benefits of listing a chemical. - Honduras (PA-1) proposes ongoing trainings for DNAs and OCPs on Parties' obligations under the Convention. - Norway (PA-5) proposes awareness-raising activities to ensure that relevant stakeholders (national governments, industry, etc.) have correct information on the Convention and its objectives. - Uganda (PA-1) proposes actions to ensure the understating of the aims, objectives and requirements of the Convention. - Uganda (PA-3) highlights that the general awareness on MEAs, including the Rotterdam Convention is low. The scarcity of awareness materials at the national level, their complexity, the lack of a national communication strategy, and the failure to 	<ul style="list-style-type: none"> - Lack of understanding by DNAs and OCPs of some aspects of the Convention (Costa Rica) - Often times authorities are unaware of the obligations derived from the Convention and no one is responsible for following-up on the theme (Honduras) - Lack of technical assistance from the RC Secretariat for awareness campaigns for stakeholders covering aims, objectives and requirements of the Convention (Uganda) - Inadequate awareness on MEA including the Rotterdam Convention (Uganda) - Inadequate integration of MEAs regulating chemicals into educational programs (Uganda) 	<p>Implementation through public awareness activities and materials.</p> <p><i>Note:</i> The resource kit includes the guidance document to DNAs on the operation of the Rotterdam Convention (Arabic, English, French, Russian, Spanish).¹⁶⁹</p>

Commented [A23]: Just noting that strictly speaking stakeholders such as exporters don't have direct obligations, the obligations are on the Parties, who must ensure compliance by their exporters.

¹⁶⁹ The Guidance to DNAs on the Operation of the Rotterdam Convention is available at <http://www.pic.int/Implementation/RessourceKit/tabid/1064/language/en-US/Default.aspx#GUIDANCEINFO>.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		include MEAs into educational programs contribute to the low level of public awareness.		
311	Awareness on risks associated with chemicals	– The Democratic Republic of the Congo (PA-5) proposes measures to equip DNAs with the necessary means to raise awareness on the risks associated with handling pesticides and hazardous chemicals.		Implementation by individual Parties under Articles 14.1 ¹⁷⁰ and 15.2 ¹⁷¹ of the Convention and through public awareness activities and materials. <i>Note:</i> Several documents developed under Rotterdam can be used for awareness-raising at the national level, including the guide to protect children from pesticides (Arabic, English, French, Spanish, Russian, Portuguese), the e-learning course on pesticide management and child labour prevention (English, French, Spanish) and the leaflet on sustainable alternatives to endosulfan in coffee farms (Arabic, English, Chinese, French, Russian, Spanish, Portuguese). The resource kit also includes the IPCS health and safety guide. Furthermore, guidance materials on vulnerable groups will be made available and disseminated as part of the current TA plan.
2. Actions to improve information-exchange between Parties and the Secretariat and between Parties				
320	Improve information-exchange	– Norway (PA-4) proposes to strengthen the information exchange under the Convention, including by exploring new ways for information exchange among parties in line with article 14 (e.g. workshops, websites, etc.) for Parties to share information (open data, databases, tools, etc.) supporting implementation at the national level. – Panama (PA-1) suggests improving the information-exchange between the Parties and the Secretariat and between Parties by establishing regional networks for information-exchange. These would	– Little real-time information-exchange between Parties and the Secretariat and between Parties – Lack of online platform to submit national information. The use of	Implementation by individual Parties under Article 14.1 ¹⁷² of the Convention. Activities to assist Parties in improving information-exchange could be implemented in the context of the development of the clearing-house mechanism for information exchange. Implementation by individual Parties under Articles 14.1 ¹⁷³ and 15.3 ¹⁷⁴ of the Convention. Activities to assist Parties in improving information-exchange could be implemented in the context of the development of the clearing-house mechanism for information exchange.

¹⁷⁰ See footnote 30.

¹⁷¹ See footnote 7.

¹⁷² See footnote 30.

¹⁷³ See footnote 30.

¹⁷⁴ See footnote 19.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<p>directly communicate with the Secretariat and other regional networks.</p> <ul style="list-style-type: none"> Costa Rica (PA-2) proposes the organization of regional meetings of DNAs and OCPs on the implementation of the Convention. The EU and its member States (PA-1) propose enhancing the implementation of the Convention by improving information exchange on chemicals that are listed or recommended for listing, such as information on FRAs to ban or severely restrict chemicals, including risk evaluations of Parties carried out in the context of FRA notifications and export notifications. 	<p>regular channels for information transmission delays access to that information</p> <ul style="list-style-type: none"> Different opinions on the implementation of the Convention 	<p>Implementation by individual Parties under Article 15.3¹⁷⁵ of the Convention.</p> <p>The organization of regional meetings could also be part of the implementation of the TA plan.</p> <p>Implementation by individual Parties under Articles 14.1¹⁷⁶ of the Convention.</p> <p>Activities to assist Parties in improving information-exchange could be implemented in the context of the development of the clearing-house mechanism for information exchange.</p>
321	Ensure that information from Parties is sought proactively	<ul style="list-style-type: none"> Venezuela (PA-2) proposes that the Secretariat proactively approaches Parties (i.e. send comments) before submission deadlines expire, in particular to address doubts on how to fill in forms, including by establishing unified criteria for completion and evaluation of the forms, and to ensure timely update of contact information for OCPs and DNAs. 	<ul style="list-style-type: none"> Lack of technical assistance to establish unified criteria for completing the forms (Venezuela) Lack of awareness on the restrictions pertaining to the notification of updates of contact information (Venezuela) 	<p>Implementation through the Secretariat.</p> <p><i>Note: Available guidance includes the Guidance to complete the form for notification for FRAs to ban or severely restrict a chemical (English).</i></p>
322	Improve availability of information on chemicals management systems in developed countries	<ul style="list-style-type: none"> Kuwait (PA-3) proposes dissemination of detailed information on how developed countries deal with the various aspects of chemicals management, including exports and imports of chemicals. 	<ul style="list-style-type: none"> Lack of examples, reports and presentation on those countries (Kuwait) 	<p>Implementation by individual Parties under Articles 14.1¹⁷⁷ and 16¹⁷⁸ of the Convention.</p> <p>Additional measures to improve the dissemination of such information could be implemented in the context of the development of the clearing-house mechanism for information exchange.</p>

¹⁷⁵ See footnote 19.

¹⁷⁶ See footnote 30.

¹⁷⁷ See footnote 30.

¹⁷⁸ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
323	Develop an online library to facilitate access to scientific studies on risks associated with chemicals	– Venezuela (PA-1) suggests improving information-exchange mechanism, by creating an online library to provide easy access to scientific studies on risks associated with chemicals subject to international trade.	– Lack of server capacity to include high number of digital documents (Venezuela)	Could be implemented in the context of the development of the clearing-house mechanism for information exchange.
324	Improve information on alternatives to candidate chemicals or listed chemicals	<p>– Bahrain (PA-2) proposes measures to improve information on alternatives.</p> <p>– Canada (PA-1) suggests sharing information, preferably collected from Parties, on alternatives to substances recommended for listing. Canada sees value in the continued and further use of Article 14, to share information. Parties could also be encouraged to share information on alternatives to substances recommended for listing.</p> <p>– The EU and its member States (PA-1) propose enhancing the implementation of the Convention by improving information exchange on alternatives to chemicals that are listed or recommended for listing.</p> <p>– Peru (PA-4) suggests establishing a list of alternatives for Annex III chemicals and chemicals that are candidates for inclusion in Annex III and to disseminate the information through different channels (national and regional workshops, written communications to involved authorities, etc.).</p> <p>– Jordan (PA-3) suggests providing safer and economical alternatives to the chemicals listed in Annex III.</p>	<p>– Identification of available alternatives and evaluation of their relative costs and efficacy (Canada)</p> <p>– The lack of information on technically and economically viable alternatives represents a challenge for regulatory authorities to adopt an FRA (Peru)</p> <p>– Lack of alternatives to listed chemicals that could be used locally (Jordan)</p>	<p>Implementation by individual Parties under Articles 14.1¹⁷⁹ and 15.2¹⁸⁰ of the Convention, for example in combination with a COP decision mandating the Secretariat to solicit and consolidate information on alternatives from Parties.</p> <p>As alternatives could potentially be as dangerous, or even more dangerous, than listed chemicals, the COP might need to consider mechanisms to evaluate proposed alternatives.¹⁸¹</p> <p><i>Note: Information on alternatives is included in DGDs. Given that available alternatives constantly evolve, the working paper on preparing internal proposals and decision guidance documents for banned or severely restricted chemicals, as well as the working paper on preparing internal proposals and decision guidance documents for severely hazardous pesticide formulations¹⁸² propose to include sources of information rather than a list of specific recommendations in the DGDs and to provide updated references to additional sources of information on the Rotterdam Convention website.</i></p> <p>The focus of the Convention is information-exchange rather than development of alternatives.</p>

¹⁷⁹ See footnote 30.

¹⁸⁰ See footnote 7.

¹⁸¹ In the case of the Stockholm Convention, the COP has tasked the POPRC to evaluate the alternative to avoid recommending potentially (more) dangerous chemicals.

¹⁸² Both working papers are set out in the Handbook of working procedure and policy guidance for the CRC (English) available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
3. Actions to determine and address non-compliance with the provisions of the Convention				
330	Adopt a compliance mechanism	<ul style="list-style-type: none"> Canada (PA-3) proposes the adoption of a facilitative compliance mechanism. The mechanism would allow for discussion of individual challenges and more systemic problems and lead to a better understanding of the Convention's effectiveness. The adoption could proceed on the text agreed at COP 7. Switzerland (PA-2) proposes that the COP adopt a compliance procedure. 	<ul style="list-style-type: none"> Lack of compliance information and thus difficulties to evaluate the effectiveness of the different aspects of the Convention (Canada) 	Implementation through the adoption of a compliance mechanism under Article 17 of the Rotterdam Convention. The process involves a COP decision approving the procedure and/or institutional mechanism for determining non-compliance.
331	Adopt a compliance mechanism to address cases of illegal traffic	<ul style="list-style-type: none"> Sri Lanka (PA-4) proposes the establishment of a compliance mechanism to address cases of illegal traffic, such as exports under false HS codes. 	<ul style="list-style-type: none"> Lack of compliance mechanism to prevent illegal transports (Sri Lanka) 	Implementation through the adoption of a compliance mechanism under Article 17 of the Rotterdam Convention. The process involves a COP decision approving the procedure and/or institutional mechanism for determining non-compliance.
332	Establish tools to measure compliance	<ul style="list-style-type: none"> Panama (PA-2) proposes establishing tools to measure Parties' compliance with their obligations under the Convention, to better allocate available funding. 	<ul style="list-style-type: none"> Lack of compromise at the political and technical level (Panama) 	Implementation through the adoption of a compliance mechanism under Article 17 of the Rotterdam Convention. The process involves a COP decision approving the procedure and/or institutional mechanism for determining non-compliance.
4. Actions to improve Parties' adoption of national action plans (NAP)				
340	Assist with the development of national action plans	<ul style="list-style-type: none"> Uganda (PA-1) proposes the development of a national action plan or strategy for the implementation of the Rotterdam Convention. Yemen (PA-4) proposes the development of guidance on the identification of elements of NAPs in all 	<ul style="list-style-type: none"> Lack of national action plan or strategy for the implementation (Uganda) Lack of guidance on NAPs in all six languages (Yemen) 	<p>Implementation by individual Parties under Articles 15.1¹⁸³ and 16¹⁸⁴ of the Convention.</p> <p>Activities to assist Parties in developing NAPs could also be part of and the TA plan, or involve the development/updating of guidance.</p> <p>Could potentially be included in the mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330).</p> <p>Implementation through a COP decision mandating the development/updating of guidance, which could be part of the implementation of the TA plan.</p>

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Commented [A27]: Why this “/or”? Article 17 refers to “procedures **and** institutional mechanisms”.

¹⁸³ See footnote 16.

¹⁸⁴ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		six languages, including the availability of assistance to implement those plans in all languages. National and subregional meetings should be convened and technical assistance provided in all languages.		
5. Actions to improve Parties' enactment of legislation implementing the Convention				
350	Assist with the development of implementing legislation	<ul style="list-style-type: none"> – Afghanistan (PA-1) identifies the development of secondary legislation and regulations on the sound management of chemicals as a national priority action for the enhancement of the effectiveness of the Convention. This involves the review of existing frameworks against international obligations as well as drafting legislation, where gaps were identified (e.g. PIC procedure). – The Democratic Republic (PA-1) of the Congo proposes that developing countries and countries with economies in transition receive financial assistance to develop and build awareness of legal frameworks and regulatory and administrative measures to implement the Convention. – The former Yugoslav Republic of Macedonia (PA-3) identifies the need for a gap analysis of existing legislation chemicals and pesticides against the obligations of the Rotterdam Convention. 	<ul style="list-style-type: none"> – Lack of information on required regulatory steps to ensure that the risks associated with chemicals are properly addressed (Afghanistan) – Lack of capacity for policy making and regulatory action (Afghanistan) – Lack of information on the current chemicals situation (Afghanistan) – Overlapping legislation on pesticides and industrial chemicals (The former Yugoslav Republic of Macedonia) 	<p>Implementation by individual Parties under Articles 15.1¹⁸⁵ and 16¹⁸⁶ of the Convention.</p> <p>Activities to assist Parties with the development of implementing legislation could be part of the implementation of the TA plan, or involve the development/updating of guidance based on a COP decision.</p> <p>Could potentially be included in the general review mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330).</p> <p><i>Note:</i> Available guidance materials include the Guide on the Development of National Laws (Arabic, Chinese, English, French, Russian, Spanish) and three legal case studies on implementation (Arabic, Chinese, English, French, Russian, Spanish). Furthermore, decision RC-8/14 requested the Secretariat to support Parties, upon request and within available resources, on matters pertaining to the implementation and enforcement of the provisions aimed at controlling the export and import of chemicals, including the development and updating of national legislation or other measures, and to develop examples of the integration of the provisions of the Basel, Rotterdam and Stockholm conventions into national legal frameworks and to organize training activities, subject to the availability of resources and in collaboration with partners, to assist Parties, particularly developing-country Parties and Parties with economies in transition, in the development of national legislation and other measures to implement and enforce the provisions of the convention aimed at controlling the export and import of chemicals and wastes covered under the conventions.</p>

¹⁸⁵ See footnote 16.

¹⁸⁶ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
6. Actions to strengthen Parties' institutions for national implementation				
360	Establishment of specialist unit for chemicals to translate international obligations into national-level action	– Afghanistan (PA-2) proposes the establishment of national specialists units for chemicals and waste management similar to those that had been established for ozone-depleting substances and climate finance, to provide targeted efforts on translating international commitments and obligations into national-level actions (e.g. data collection, inter-ministerial coordination, GIS database, work plans).	<ul style="list-style-type: none"> – Lack of information on safety and socio-economic aspects of the use of chemicals (Afghanistan) – Lack of information chemical properties and risks (Afghanistan) – Lack of information on risk management and worker safety (Afghanistan) – Unavailability of information to downstream, government authorities and the general public (Afghanistan) – Lack of expertise on diagnosis of chemicals illness due to exposure (Afghanistan) – Lack of technical expertise for chemicals management (Afghanistan) 	<p>The establishment of such units is not a requirement under the Rotterdam Convention. However, Article 15.1¹⁸⁷ of the Convention requires Parties to take such measures as necessary to establish and strengthen national infrastructure and institution for the effective implementation of the Convention.</p> <p>Activities to assist Parties in building institutional capacity could also be part of the implementation of the TA plan.</p> <p><i>Note:</i> The Special Programme¹⁸⁸ on Chemicals and Waste aims to strengthen national institutions and to promote the mainstreaming of the sound management of chemicals and waste. Key activities supported by the programme provide countries to advance institutional capacity for the implementation of the Basel, Rotterdam and Stockholm Conventions, the Minamata Convention and SAICM.</p>

¹⁸⁷ See footnote 16.

¹⁸⁸ See <http://web.unep.org/chemicalsandwaste/special-programme>

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
361	Improve coordination between government authorities and stakeholders involved in the implementation	<ul style="list-style-type: none"> – Jordan (PA-2) proposes measures to strengthen national coordination to the effect that hazard and risk assessments of priority chemicals lead to decision-making on whether to ban or restrict those chemicals. – The former Yugoslav Republic of Macedonia (PA-1) identifies the need for the development of procedures or mechanisms for inter-institutional interaction and communication among the public and private sectors, academia and decision-makers. – The former Yugoslav Republic of Macedonia (PA-2) suggests establishing strong and sustainable communication systems between OCPs and DNAs. – The former Yugoslav Republic of Macedonia (PA-4) suggests organizing joint activities with all stakeholders for a better implementation of the main Convention provisions. – Uganda (PA-1) proposes measures to foster sectoral cooperation among the stakeholders in the implementation process. 	<ul style="list-style-type: none"> – Weak communication between the OCP and the local DNAs (Jordan) – Lack of communication between the many institutions involved in the implementation of the Convention (The former Yugoslav Republic of Macedonia) – Lack of strong and sustainable communication system among the different DNAs: The Ministry of Environment and Physical Planning (DNA for implementation in general), the Ministry of Agriculture (DNA for pesticides), and the Ministry of Health (DNA for industrial chemicals) (The former Yugoslav Republic of Macedonia) – Lack of understanding of weaknesses and opportunities in the implementation of the Convention and information-exchange between stakeholders (The former Yugoslav Republic of Macedonia) – Inadequate inter-Ministerial coordination and collaboration on implementation processes (Uganda) 	<p>Implementation by individual Parties under Articles 15.1¹⁸⁹ of the Convention.</p> <p>Activities to assist Parties in improving institutional coordination could also be part of the TA plan.</p>

7. Actions to improve the availability of technical assistance and capacity-building in general

370	Translate the electronic resource kit into all UN languages	<ul style="list-style-type: none"> – Yemen (PA-1) proposes the development of an electronic resource kit to promote ratification and implementation in all six official UN languages. The toolkit should be regularly updated on and complemented with new documents, taking into account the experience of Parties. As many documents as possible should be made available in all languages. 	<ul style="list-style-type: none"> – The resource kit is not fully available in all six languages (Yemen) 	<p>Implementation through translation of tools or guidance, which could be part of the implementation of the TA plan.</p>
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¹⁸⁹ See footnote 16.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
371	Train national officers in writing notifications and other submissions required under the Convention	– Kuwait (PA-1) proposes training in writing reports for all aspects of the Convention.	– Lack of understanding how reports must be written for different aspects of the Convention and whether there is an official formula that should be followed (Kuwait)	Implementation by individual Parties under Articles 15.1 ¹⁹⁰ and 16 ¹⁹¹ of the Convention. Activities to assist Parties in writing notifications could also be part of the implementation of the TA plan.
372	Improve Parties' capacity to control risks associated with chemicals	– Peru (PA-5) proposes the development of guidelines to identify, evaluate and control the risks associated with highly hazardous pesticides to help developing countries and countries with economies in transition to take action in pursuit of the 2020 goal. – Afghanistan (PA-5) suggests actions to better protect persons handling chemicals and pesticides (protective equipment, analytical capacity, training), including ensure environmentally sound management of clinical wastes and establish expired pesticide stores.	– Lack guidance on managing risks associated with registered highly hazardous pesticides according to national circumstances (Peru) – Lack of information on plant protection regulations (Afghanistan) – Lack of emergency plans for chemical disasters (Afghanistan) – Lack of information on measures to reduce exposure and emissions (Afghanistan) – Lack of information on appropriate technology (Afghanistan)	Implementation by individual Parties under Articles 15.2 ¹⁹² and 16 ¹⁹³ of the Convention. Activities to assist Parties in controlling risks associated with chemicals could also be part of the TA plan.
373	Provide capacity-building and technical assistance	– The EU and its member States (PA-1) suggest enhancing the implementation of the Convention by improving Parties' capacity to properly implement and fully participate in the Convention processes (participation in CRC, submission and notification of FRAs, adoption of import responses) and to implement chemicals management measures, including the capacity to use internationally available data on chemicals and conduct risk evaluations.	– Lack of information on the main difficulties of Parties in implementing the Convention (EU and its member States) – Lack of information on the main capacity gaps of Parties (EU and its member States) – Lack of information on the main information gaps of Parties (EU and its member States)	Implementation by individual Parties under Articles 15.1 ¹⁹⁴ and 16 ¹⁹⁵ of the Convention. Activities to assist Parties in developing national capacity for chemicals management could also be part of the implementation of the TA plan, and/or implemented in the context of the development of the clearing-house mechanism for information exchange (e.g. Yemen, PA-2 (d)).

¹⁹⁰ See footnote 16.

¹⁹¹ See footnote 8.

¹⁹² See footnote 7.

¹⁹³ See footnote 8.

¹⁹⁴ See footnote 16.

¹⁹⁵ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> – Jordan (PA-1) proposes technical assistance and capacity-building for the implementation of the Convention, such as programs for scientific and technical training of personnel, including customs personnel. – Norway (PA-2) proposes that options that help improve the effectiveness of the Convention and at the same time assist Parties in implementing the Convention should be prioritized. It is important to strengthen Parties' capacity for submission FRAs and listing proposal for SHPFs, as well as import responses. Norway suggests that technical assistance programs take into consideration the needs of developing countries identified in UNEP/FAO/RC/COP.8/INF/25 and other documents under agenda item 5(a) considered at COP8. – Sri Lanka (PA-2) identifies the need for more technical assistance and capacity building to address a number of challenges at the national level, such as the limited risk assessment skills and capacity, insufficient mechanisms to effectively control the influx of chemicals, absence of proper regulatory mechanisms, poor awareness on hazards associated with chemicals, insufficient cooperation among stakeholder, and insufficient monitoring of health and environmental impacts. – Bahrain (PA-5) proposes an increase in capacity building activities. – Uganda (PA-2) proposes actions to increase the Parties' in-country technical capacity to meet the Convention obligations, such as the consolidation of a data on listed industrial chemicals with outstanding import responses, the consolidation of data on the status of chemicals (usage, manufacture, formulation 	<ul style="list-style-type: none"> – Lack of information on best approaches to address those gaps (EU and its member States) – Lack of technical capabilities and laboratory equipment (Jordan) – Weak monitoring capacity (practical, analytical and technical) for chemicals of concern (Jordan) – Lack of technical assistance and capacity building (Sri Lanka) – Lack of financial mechanism to provide support to developing countries (Bahrain) – Lack of database on Rotterdam Convention chemicals used in the country (Uganda) – Inadequate technical capacity to implement the Rotterdam Convention (Uganda) – Inadequate infrastructure to support implementation processes (Uganda) – Increased efforts to provide financial resources for technical assistance activities and projects aimed at improving national chemicals management capacity (Venezuela) – Lack of availability of awareness trainings in all six languages (Yemen) – Lack of availability of trainings, information and documents in all six languages (Yemen) 	

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<p>and import), the establishment of mechanisms for interaction between ministries, the public and private sectors, academia and decision-makers, measures to overcome capacity constrains in the government, the collection of technical information for decision-making on pesticides and industrial chemicals, and the establishment of an effective infrastructure to monitor chemicals and pesticide poisoning.</p> <p>– Venezuela (PA-3) proposes improved technical and financial assistance for the safe management of chemicals that are subject to international trade. Assistance could be directed towards technical training to strengthen the institutional capacity of laboratories and Customs and risk analyses for chemicals at the national level, taking into account the bio-physical aspects of the country.</p> <p>– Yemen (PA-2) suggests promoting technical assistance for the development of infrastructure and capacity for chemicals management:</p> <ul style="list-style-type: none"> • Parties with more advanced chemical programmes should provide technical assistance, including training, to other Parties that are developing their infrastructure and capacity. • Trainings and awareness-raising meetings should be organized for new Parties and Parties experiencing difficulties in meeting their obligations under the Convention. • Training programs and information documents should be made available in all six languages. • A platform for information-sharing about national regulatory decisions 		

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
374	Promote technology transfer to developing countries	<p>on chemicals and pesticides should be made available in all six languages.</p> <ul style="list-style-type: none"> – Panama (PA-1) suggests promoting technology transfer from developed countries to developing countries, to improve risk evaluations, chemical analyses and chemicals management systems. – Uganda (PA-4) highlights the need for increased technology transfer and the problem of limited research capacity. Inadequate infrastructure and facilities for research affect the capacity of relevant institutions to conduct research on chemicals. In addition, the government's policy to scale down expenditure to achieve macroeconomic stability has affected the availability of researchers. Finally, the poor research-extension linkage and weak mechanisms for technology dissemination have led to limited application of research findings. 	<ul style="list-style-type: none"> – Lack exchange on information and standards pertaining to tools and technologies (Panama) – Inadequate infrastructure and facilities for research on MEA issues (Uganda) – Low technology transfer (Uganda) – Insufficient research on MEA issues (Uganda) 	Implementation by individual Parties under Article 16 ¹⁹⁶ of the Convention, for example, in combination with a COP decision encouraging BCRC/SCRCs to take measures to promote technology transfer.
8. Actions to improve the availability of funding for national implementation				
380	Establish sustainable financial mechanism	<ul style="list-style-type: none"> – Ecuador (PA-3) proposes the establishment of a predictable and adequately resourced financial mechanism, with sufficient new and additional funds to allow developing countries and countries with economies in transition to comply with the obligations under the Convention. – The Democratic Republic of the Congo (PA-2) proposes that DNAs receive financial support to monitor chemicals and pesticide poisonings and cooperate with the Secretariat on the notification of FRAs. 	<ul style="list-style-type: none"> – Existing financial mechanisms cover some chemicals conventions, but not the implementation of the Rotterdam Convention (Ecuador) 	<p>Implementation by individual Parties contributing the Special Voluntary Trust Fund for the Rotterdam Convention.</p> <p>The COP could also consider revisiting its decision RC-7/8 on the implementation of the integrated approach to financing.</p> <p>As the Rotterdam Convention does not provide for a financial mechanism, the establishment of a financial mechanism would require amending the Convention¹⁹⁷</p> <p>Establishing a new Rotterdam Convention mechanism with compulsory contributions or providing for an obligation on developed Parties and Parties with more advanced chemical programmes to provide financial assistance (e.g.</p>

¹⁹⁶ See footnote 8.

¹⁹⁷ See, for example, the amendment to Article 16 of the Convention proposed at COP-8. The text of the proposed amendment is available in document UNEP/FAO/RC/COP.8/16/Add.1.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
381	Raise awareness on existing financial mechanisms	<ul style="list-style-type: none"> – The EU and its member States (PA-1) suggest enhancing the implementation of the Convention by improving awareness on the integrated approach to financing sound management of chemicals and wastes (UNEP), including the special programme to support developing countries and countries with economies in transition in strengthening institutional capacity for the implementation of, among others, the Rotterdam Convention, as well as the joint Technical Assistance Programme managed by the Secretariat. 		<p>through existing mechanisms) requires a COP decision amending the Convention text.</p> <p>The amendment would enter into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by it. All other Parties would continue to be bound by the original Convention text which does not include a binding obligation on developed Parties and Parties with advanced chemical programmes to provide financial assistance.</p> <p><i>Note:</i> The Secretariat has conducted two studies on possible options for lasting and sustainable financial mechanisms, available in UNEP/FAO/RC/COP.2/10 and UNEP/FAO/RC/COP.3/13.</p> <p>Implementation through public awareness activities and materials.</p>
382	Establish a mechanism to help formulate project submissions	<ul style="list-style-type: none"> – Honduras (PA-2) proposes the establishment of a mechanism to assist with formulating national and regional projects aimed at ensuring an effective application of the Convention. – Uganda (PA-5) highlights the need to address the lack of funding for the implementation of the Rotterdam Convention, including by ensuring that development partners fulfil their financial commitments to implement programs and projects for the development of sound chemicals management capacity. In Uganda chemicals management is not a high priority in government expenses. Furthermore, relevant sectors experienced difficulties in 	<ul style="list-style-type: none"> – Need for support for the formulation of national projects to implement the Convention and new amendments (for funding purposes) – Lack of funding to ensure sound chemicals management (Uganda) 	Implementation through the TA plan.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		preparing timely and acceptable proposals in accordance with guidelines provided by funding agencies.		
	9. Actions to improve synergies with the Basel and Stockholm Conventions			
³⁹⁰	Organize joint activities to enhance the cooperation and coordination among the three conventions	– The former Yugoslav Republic of Macedonia (PA-5) proposes the organization of joint activities to enhance cooperation and coordination between the Basel, Rotterdam and Stockholm Conventions at the national, regional and international level.	– Lack of joint activities to share experience on synergies at the national, regional and international level (The former Yugoslav Republic of Macedonia)	Implementation through a COP decision.

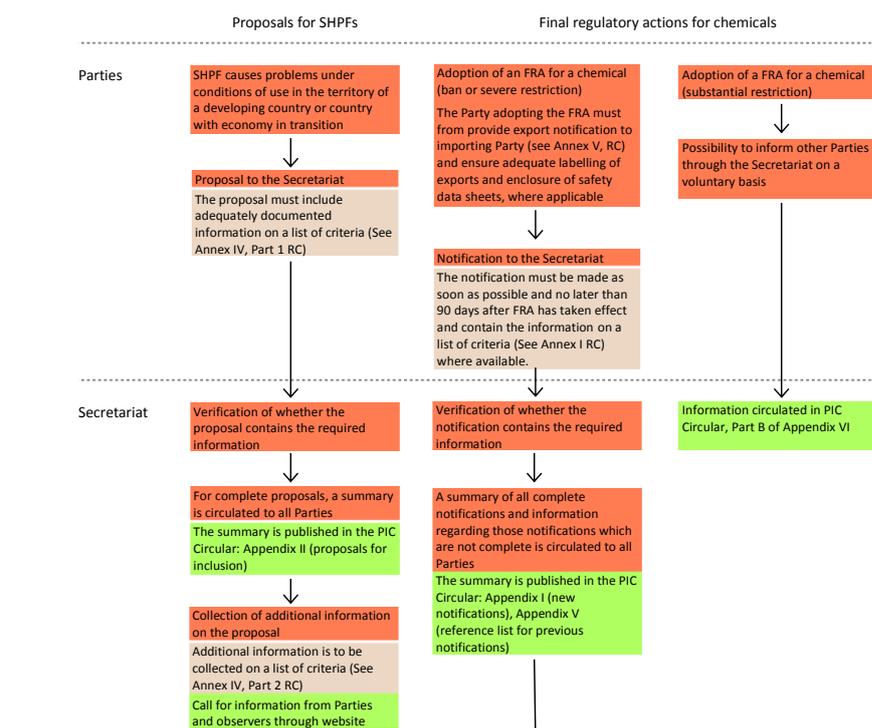
Appendix

Procedural steps of the listing process and prior informed consent procedure under the Rotterdam Convention

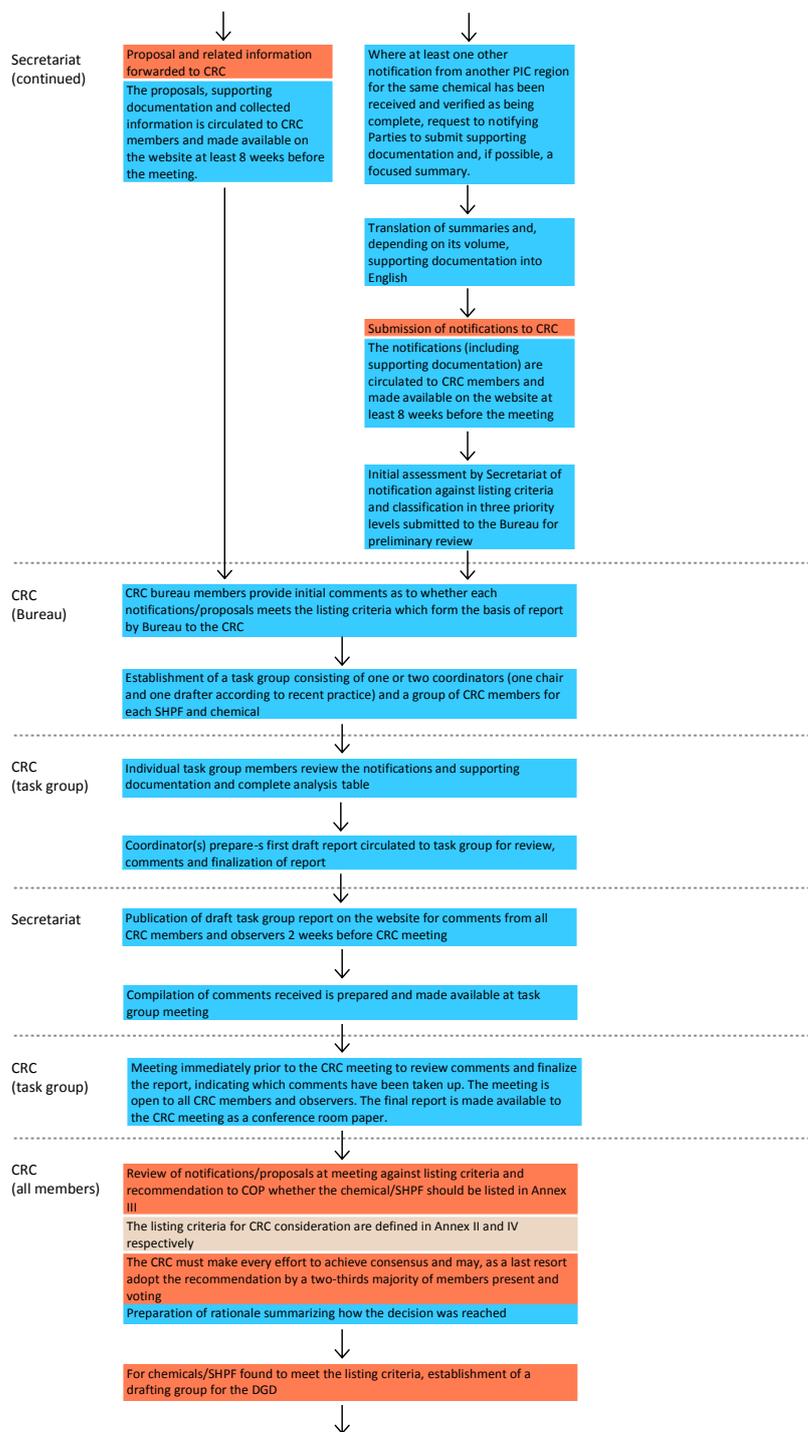
The following diagram provides an overview on the main steps of the process for listing chemicals in Annex III and the prior informed consent procedure of the Rotterdam Convention. Each step is highlighted in a colour that indicates the basis for the described action, which also allows conclusion about the required steps to amend that step:

(a)	Steps highlighted in orange have their source in the Convention text;
(b)	Steps highlighted in brown have their source in the text of an Annex to the Convention;
(c)	Steps highlighted in yellow have their source in the rules of procedure of the COP (See decision RC-1/1);
(d)	Steps highlighted in pink have their source in the terms of reference (ToR) of the CRC (See decision RC-1/6);
(e)	Steps highlighted in blue have their source in the CRC Handbook ¹⁹⁸ ;
(f)	Steps highlighted in green have their source in internal practice of the Secretariat.

Diagram – Procedural steps of the listing process and PIC procedure under the Rotterdam Convention



¹⁹⁸ The Handbook of working procedure and policy guidance for the CRC is available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.







Parties	Communicate to and ensure compliance by exporters with import decisions no later than 6 months after their circulation by Secretariat	Ensure compliance with export restrictions in cases where the importing country has not submitted a response	Ensure adequate labelling of exported chemicals/SHPF and enclosure of safety data sheets, where applicable.	Advice and assistance to importing Parties upon request and as appropriate to obtain further information to strengthen their chemical management capacities
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Colombia

Report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

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Abbreviations and acronyms

COP	Conference of the Parties to the Rotterdam Convention
CRC	Chemical Review Committee
DGD	Decision Guidance Document
DNA	Rotterdam Convention designated national authority
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FRA	final regulatory action
GCI	Green Customs Initiative
GRULAC	Group of Latin American and Caribbean Countries in the United Nations
HS code	Harmonized System Code
HSG	Health and Safety Guide
IPCS	International Programme on Chemical Safety of the World Health Organization

MEA	multilateral environmental agreement
MoU	memorandum of understanding
NAP	national action plan
NIOSH	National Institute for Occupational Safety and Health
OCP	Rotterdam Convention official contact point
OECD	Organisation for Economic co-operation and Development
PA	priority action
PIC	prior informed consent
POPRC	Persistent Organic Pollutants Review Committee of the Stockholm Convention
SDG	Sustainable Development Goal
SHPP	severely hazardous pesticide formulation
TA	technical assistance
ToRs	terms of reference
WCO	World Customs Organization
WTO	World Trade Organization
WHO	World Health Organization

Introduction

1. By decision RC-8/8, the eighth meeting of the Conference of the Parties to the Rotterdam Convention (COP-8) invited Parties to propose priority actions to enhance the effectiveness of the Convention and requested the Secretariat to prepare a report analysing the legal and operational implications of the proposed priority actions.
2. This report is divided into two parts. Part I provides an overview of the survey and the process for the compilation of the proposed actions from Parties, as well as a summary of the Parties that provided responses along with some next steps. Part II consists of a tabular summary of the proposed actions identified by the respondents, as well as related information gaps and potential legal and operational implications. A full compilation of the submissions is available on the Convention's website.¹⁹⁹
3. An Appendix to this document provides an overview on the main procedural steps of the process for listing chemicals in Annex III to the Convention as well as of the prior informed consent (PIC) procedure.

Part I – Background and next steps

4. In line with decision RC-8/8, the Secretariat developed an online survey in English, French and Spanish asking Parties:
 - (a) To describe a maximum of 5 (five) priority actions that could be undertaken to enhance the effectiveness of the Rotterdam Convention; and
 - (b) To indicate key information gaps for each of the identified priority actions.
5. Parties were invited to complete the online survey by 31 October 2017, as decided by the COP. Submissions were received until 15 November 2017.
6. As of 15 November 2017, the Secretariat received 24 responses from Parties to the Rotterdam Convention (including the European Union (EU) on behalf of its 28 member States), from 33 developed countries (OECD and EU member States) and 18 developing countries or countries with economies in transition (Africa 2, Asia and Pacific 7, Central and Eastern Europe 2, Latin America and Caribbean 7). There were no responses from small island developing countries. The response rate was 32 per cent.²⁰⁰
7. The results of the survey form the basis for the present report.
8. The following table summarizes the level of response per region based on the number of Parties in each region:

Africa	2 out of 47 Parties	Republic of the Congo, Uganda
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¹⁹⁹ The compilation of submissions to the survey on priority action to enhance the effectiveness of the Rotterdam Convention is available at <http://www.pic.int/Implementation/EnhancingtheeffectivenessofRC/Onlinesurvey/tabid/6215/language/en-US/Default.aspx>.

²⁰⁰ As of 15 November 2017, 158 States and the European Union were Parties to the Rotterdam Convention.

Asia-Pacific	8 out of 38 Parties (includes 1 as coordinated response through the EU)	Afghanistan, Bahrain, China, Jordan, Kuwait, Sri Lanka, Yemen As coordinated response through the EU: Cyprus
Central and Eastern Europe and Central Asia	13 out of 22 Parties (includes 11 as coordinated response through the EU)	Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia As coordinated response through the EU: Bulgaria, Croatia, Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, Slovenia
Latin America and Caribbean	8 out of 28 Parties	Colombia, Costa Rica, Ecuador, Honduras, Mexico, Panama, Peru, Venezuela
Western Europe and Others	20 out of 23 Parties (includes 16 as coordinated response through the EU)	Australia, Canada, Norway, Switzerland As coordinated response through the EU: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Ireland, Italy, Luxembourg, Malta, Netherlands, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland

9. **Next Steps:** This report and comments received thereon will be considered by a working group established by decision RC-8/8, with the mandate:

(a) To identify a set of prioritized recommendations for enhancing the effectiveness of the Convention, and

(b) To develop a report identifying further steps for consideration by the Conference of the Parties at its ninth meeting.

10. In order to put the elements of the report in context, the Appendix to this document includes a diagram on the main steps of the process of listing an industrial chemical, a pesticide or a severely hazardous pesticide formulation (SHPF) in Annex III of the Convention.

11. The diagram specifies the legal basis for each step of the listing process and the PIC procedure, and the procedural requirements that would need to be met in order to implement the proposed action within the framework of the Convention (e.g. adoption of a COP decision, developing or amending an annex of the Convention, amending the text of the Convention).

Part II – Proposed actions and their legal and operational implications

12. A table summarizing the priority actions proposed has been prepared. The proposed actions have been clustered into the three main categories²⁰¹ for enhancing the effectiveness of the Convention identified by decision RC-8/8:

Category A: The listing process

- 13) Actions to improve the adoption of final regulatory actions (FRA);
- 14) Actions to improve the notifications of FRAs;
- 15) Actions to improve the identification of SHPFs;

Commented [A28]: Colombia agrees with the comment provided by Norway in the sense that we should focus in the intersessional work ahead, as well as, with the importance to involve more Parties in this process in order to improve the effectiveness of the Convention.

²⁰¹ In addition, Norway's response to the survey (PA-1) includes specific suggestions on how the working group could proceed in accomplishing this mandate. With regard to the question of membership, Norway mentions that developing countries may face unique challenges in relation to imports and exports of hazardous chemicals, the environmentally sound management of those chemicals and the implementation of the Convention. However, only a limited number of developing country Parties had participated in intersessional work leading up to the eight meeting of the Conference of the Parties. It is therefore important to consider, as part of this intersessional work process, information from a broader range of developing countries on the benefits of the Convention, as well as on actions that would make the Convention more valuable to them. If not provided in response to the survey, such information could actively be pursued, for example, through the Secretariat. Norway also emphasizes the importance of narrowing down the list of proposals and options collected so far, which should be the main focus of the intersessional work ahead. In this context, it seems important to distinguish between proposals that fall within the scope of the Convention text or mandate of the CRC and those that do not.

- 16) Actions to enhance the process of drafting and adoption of recommendations and draft decision guidance documents (DGDs) by the Chemical Review Committee (CRC);
- 17) Actions to facilitate consensus-finding at the COP;
- 18) Actions to amend the decision-making process for listing chemicals;

Category B: The PIC procedure

- 9) Actions to improve compliance with the obligation to transmit export notifications;
- 10) Actions to improve Parties' provision of import responses;
- 11) Actions to improve Parties' control of chemicals imports;
- 12) Actions to improve the implementation of the PIC procedure in general;

Category C: Overall effectiveness of the Convention

- 1) Actions to promote awareness at the national level;
- 2) Actions to improve information-exchange between Parties and the Secretariat and between Parties;
- 3) Actions to determine and address non-compliance with the provisions of the Convention;
- 4) Actions to improve Parties' adoption of national actions plans;
- 5) Actions to improve Parties' enactment of legislation implementing the Convention;
- 6) Actions to strengthen Parties' institutions for national implementation;
- 7) Actions to improve the availability of technical assistance and capacity-building in general;
- 8) Actions to improve the availability of funding for national implementation;
- 9) Actions to improve synergies with the Basel and Stockholm Conventions.

13. **The tabular summary is structured as follows:**

Column 1 lists the actions proposed.

Column 2 provides a summary of the proposed action (PA) and the number assigned to it by the Party (1 to 5).²⁰²

Column 3 lists the corresponding key information gaps as identified by Parties.

Column 4 includes a summary of potential legal and operational implications, other than financial implications. The Secretariat has focused on identifying the proposed actions that fall within the scope of the Rotterdam Convention, there may be other options for action that fall outside the scope of the Convention.

²⁰² The full text of the submissions is available in the compilation of answers at <http://www.pic.int/Implementation/EnhancingtheeffectivenessofRC/Onlinesurvey/tabid/6215/language/en-US/Default.aspx>.

Category A: The listing process

Ref.	Priority actions	Summary of priority actions	Keyinformation gaps	Legal and operational implications
1. Actions to improve the adoption of FRAs				
110	Improve information-exchange and access to basic information by increased use of information and communication technology tools	<ul style="list-style-type: none"> Ecuador (PA-1) proposes measures to improve the exchange of basic information to help Parties present FRA notifications that fulfil the listing criteria. The Secretariat should provide tools to developing countries using available information and communication technologies (video tutorials, apps, online assessments) to facilitate access to quality information as a basis for decision-making. 	<ul style="list-style-type: none"> High staff turnover in Rotterdam Convention official contact points (OCP) (Ecuador) Impossibility for Parties to check whether they have pending activities or outstanding information to submit (Ecuador) Lack of offer of interactive trainings to ensure adequate information flow (Ecuador) 	Implementation through the technical assistance (TA) plan and/or as part of the development of the clearing-house mechanism for information-exchange. ²⁰³
111	Improve information-exchange on FRAs	<ul style="list-style-type: none"> Peru (PA-3) proposes that a survey to collect information on the health and environmental reasons that purported the FRA and the national situation of the regulated chemical (registration, commercial names, production and import volume, uses, concentrations, crops, available alternatives, etc.) should be circulated to a Party submitting an FRA immediately after submission of that FRA and not only when a second FRA for the same chemical has been received from a different PIC region. That information could then be shared with all Parties. 	<ul style="list-style-type: none"> Lack of reliable and accessible source of information on regulatory measures taken by Parties with respect to chemicals for which they submitted an FRA (Peru) 	<p>Implementation through a COP decision requesting the Secretariat to circulate this information (the text of the Convention only requires circulation of a <i>summary</i>).</p> <p><i>Note:</i> The CRC Handbook²⁰⁴ currently provides that for all notifications that are verified as complete by the Secretariat, a letter is sent to the notifying country with a request to submit the supporting documentation referenced in their notifications and if possible a focused summary. Focused summaries and, depending on its volume, supporting documentation are translated into English upon receipt, and made available as meeting papers for the CRC.</p>

Commented [A29]: Usually the Secretariat provides notifications with only one FRA. We consider that it is important to circulate that information with all parties once it is received and not only every six months through the focused summaries.

²⁰³ See decision RC-8/12 on the clearing-house mechanism for information exchange.

²⁰⁴ The Handbook of working procedure and policy guidance for the CRC (English) is available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.

Ref.	Priority actions	Summary of priority actions	Keyinformation gaps	Legal and operational implications
112	Improve national capacity to generate and use information on health and environmental impacts	– Peru (PA-1) suggests improving the national capacity of Parties to generate and compile information on health and environmental impacts to allow for the adoption of FRAs on the basis of quality information.	– Weaknesses in the chemicals registration system and the monitoring system for chemical poisoning (Peru) – Environmental monitoring does not focus on risk evaluations (Peru) – Lack of expertise for bridging information in support of and FRA (Peru)	Implementation by individual Parties under Articles 15.2 ²⁰⁵ and 16 ²⁰⁶ of the Convention. Activities to assist Parties in improving their capacity to generate and use this information could also be part of the implementation of the TA plan. <i>Note:</i> For pesticides, the SHPF kit includes guidance on collecting data on pesticide poisoning (English), the guidelines on developing a reporting system for health and environmental incidents regulating from exposure to pesticides (English) of the Food and Agriculture Organization of the United Nations (FAO), the guide for state-based programs on pesticide-related illness and injury surveillance of the National Institute for Occupational Safety and Health (NIOSH) and a number of case studies and field tools (English). ²⁰⁷ Additionally, the Secretariat has developed a Final Regulatory Action Evaluation Toolkit (FRA Evaluation Toolkit) ²⁰⁸ that contains references to tools for risk evaluation, including on hazard identification and classification, developed by various agencies, as well as access to risk evaluation of toxic substances carried out by Parties that have satisfied the criteria of Annex II of the Convention.
113	Assist developing Parties and Parties with economies in transition in collecting key information at the national level before	– Colombia (PA-1) proposes that developing countries and countries with economies in transition should receive technical and financial assistance to realise early inventories on uses, risks and incidents at the national level of	– No or limited registration systems and administrative instruments to control the production, import and use of chemicals, which makes it difficult to identify the implications of listing, and	Implementation by individual Parties under Articles 15.1 (a) ²⁰⁹ and 16 ²¹⁰ of the Convention. Activities to assist Parties in establishing inventories on candidate chemicals could also be part of the implementation of the TA plan.

²⁰⁵ Article 15.2 of the Rotterdam Convention provides that “[e]ach Party shall ensure, to the extent practicable, that the public has appropriate access to information on chemical handling and accident management and on alternatives that are safer for human health or the environment than the chemicals listed in Annex III.”

²⁰⁶ Article 16 of the Rotterdam Convention provides that Parties with more advanced programmes for regulating chemicals should provide technical assistance, including training, to other Parties in developing their infrastructure and capacity to manage chemicals throughout their life-cycle.

²⁰⁷ The FAO Guidelines on Developing a Reporting System for Health and Environmental Incidents Resulting from Exposure to Pesticides, the NIOSH Publication on Pesticide-Related Illness and Injury Surveillance: A How-To Guide for State-based Programs and the case studies and field tools are available at <http://www.pic.int/Implementation/SeverelyHazardousPesticideFormulations/SHPFKit/AdditionalInformation/tabid/3148/language/en-US/Default.aspx>.

²⁰⁸ The Final Regulatory Action Evaluation Toolkit is available at <http://www.pic.int/Implementation/FinalRegulatoryActions/FRAEvaluationToolkit/Introduction/tabid/4976/language/en-US/Default.aspx>.

²⁰⁹ Article 15.1 of the Rotterdam Convention provides that “[e]ach Party shall take such measures as may be necessary to establish and strengthen its national infrastructures and institutions for the effective implementation of this Convention. These measures may include, as required, the adoption or amendment of national legislative or administrative measures and may also include: (a) The establishment of national registers and databases including safety information for chemicals.”

²¹⁰ See footnote 8.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
	consideration of the chemical by the CRC	chemical products that the Secretariat decides to refer to the CRC. This will enable developing countries and countries with economies in transition to provide relevant information, actively participate in the work of the CRC, and adopt informed positions at the COP.	to implement the PIC procedure for that chemical. This lack of information and uncertainty on capacity makes it difficult to identify alternatives, against the concerns of producers and/or users, which may lead to situation where that country opposes listing at the COP (Colombia)	
114	Develop guidance on bridging information to support FRAs	– China (PA-1) suggests that the Secretariat publish a guideline document on the bridging method for risk evaluations with corresponding trainings to improve the ability of chemical risk assessment in developing countries and to enable them to provide a scientific decision basis for FRA notifications.	– Lack of sufficient scientific information for the assessments of risk associated with the use of chemicals, (particularly in developing countries) (China) – Lack of resources for the assessment of chemicals for which data is available (particularly in developing countries) (China)	Implementation through the development of scientific guidance (COP decision). <i>Note:</i> Available guidance includes the paper on bridging information in the CRC Handbook ²¹¹ and some guidance available through the FRA Evaluation Toolkit. ²¹²
115	Develop guidance on using data on pesticide suicides to identify chemicals for FRAs	– Sri Lanka (PA-1) proposes that although intentional misuse is not a sufficient criteria for a listing decision under the Rotterdam Convention, such data could be used as an early warning tool to identify pesticides for FRAs. Sri Lanka's notifications of endosulfan (1998) and paraquat (2011) did not meet listing criterion (b)(iii) because Sri Lanka has no monitoring system for poisonings other than in case of suicide.	– Absence of a mechanism to link and report cases of pesticide poisoning other than suicides (Sri Lanka)	Implementation through the development of scientific guidance (COP decision). <i>Note:</i> The SHPF kit includes guidance on collecting data on pesticide poisoning (English), the FAO guidelines on developing a reporting system for health and environmental incidents regulating from exposure to pesticides (English), the NIOSH guide for state-based programs on pesticide-related illness and injury surveillance (English) and a number of case studies and field tools. ²¹³
116	Train national experts in performing	– Honduras (PA-4) proposes trainings for technical personnel in conducting risk evaluations for	– Lack of resources for conducting risk evaluations and therefore inability to adopt and submit FRAs (Honduras)	Implementation by individual Parties under Articles 15.1 ²¹⁴ and 16 ²¹⁵ of the Convention.

²¹¹The Handbook of working procedure and policy guidance for the CRC (English) is available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.

²¹² The Final Regulatory Action Evaluation Toolkit is available at <http://www.pic.int/Implementation/FinalRegulatoryActions/FRAEvaluationToolkit/Introduction/tabid/4976/language/en-US/Default.aspx>.

²¹³ See footnote 9.

²¹⁴ Article 15.1 of the Rotterdam Convention provides that “[e]ach Party shall take such measures as may be necessary to establish and strengthen its national infrastructures and institutions for the effective implementation of this Convention.”

²¹⁵ See footnote 8.

Commented [A30]: It is very specific; this proposal would be included in the suggestion made by Peru: “Improve national capacity to generate and use information on health and environmental impacts”.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
	risk evaluations to serve as a basis for FRAs	chemicals that may serve as a basis for FRAs.		Activities to assist Parties in performing risk evaluations could also be part of the implementation of the TA plan. <i>Note:</i> The resource kit includes a WHO/IPCS publication and projects on risk assessment methodology (English) and OECD guidelines for testing chemicals (English). ²¹⁶
117	Organize subregional meetings to discuss region-specific difficulties	– Bosnia and Herzegovina (PA-2) identifies the organization of a subregional meeting to discuss options for the development of mechanisms and conditions for the adoptions of FRAs as a means to address the country's difficulties in submitting FRAs.	– Lack of a mechanism and conditions for the adoption of FRAs at the national level, as FRAs from the EU are used (Bosnia and Herzegovina)	Implementation by individual Parties under Article 15.3 ²¹⁷ of the Convention. Activities to assist Parties in resolving regional implementation difficulties could be part of the implementation of the TA plan. <i>Note:</i> In the case of the submitting Party (Bosnia and Herzegovina), the meeting is already planned.
2. Actions to improve the notifications of FRAs				
120	Provide Party-to-Party assistance to adequately document the decision-making process	– Canada (PA-5) believes that a way to enhance the effectiveness of the Convention is to provide in-kind support (as offered by Canada) for risk evaluations and documentation of that evaluation and the national decision-making process, to prepare complete notifications of FRAs. This would produce a more comprehensive basis for the work of the CRC and more robust CRC recommendations.	– Self-identification of Parties that wish to obtain support. The process of self-identification could be launched at the upcoming intersessional working group meeting (Canada) – Identification of type of support/training needed (webinars, site visits etc.)(Canada)	Implementation by individual Parties under Article 16 ²¹⁸ of the Convention.
121	Make available commented examples of risk evaluations not based on risk	– Switzerland (PA-3) suggests including in the FRA Evaluation Toolkit a list of commented summaries of risk evaluations that are not risk assessments that fulfil criterion (b)(iii).	– Few notified FRAs based on risk evaluations that are not risk assessments have so far fulfilled criterion (b)(iii) (Switzerland)	Implementation through the development of scientific guidance and/or update of the FRA Evaluation Toolkit. <i>Note:</i> Available guidance includes the paper on bridging information available in the CRC Handbook ²¹⁹ to assist the CRC in judging the

Commented [A31]: We would like to support the idea. This initiative will allow us to improve our national capabilities.

Commented [A32]: It could be useful that Canada provides information in the intersessional meeting how this support is provided. We would like to engage in this initiative.

²¹⁶The WHO/IPCS and OECD guidance is available at <http://www.pic.int/Implementation/RessourcesKit/EvaluatingtheRisksofHazardousChemicals/tabid/1502/language/en-US/Default.aspx>.

²¹⁷ Article 15.3 of the Rotterdam Convention provides that Parties agree to cooperate, directly or, where appropriate, through competent international organizations, in the implementation of this Convention at the subregional, regional and global levels.

²¹⁸ See footnote 8.

²¹⁹The Handbook of working procedure and policy guidance for the CRC (English) is available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.

Ref.	Priority actions	Summary of priority actions	Keyinformation gaps	Legal and operational implications
				acceptability of a notification of FRAs, with respect to criterion (b)(iii), where the notifying Party has used a risk evaluation from another country.
122	Establish an expert team to assist in questions related to the submission of FRAs	– Switzerland (PA-3) proposes the establishment of a team of experts that can be consulted for questions on the notification of FRAs.	– Possible need of some Parties to benefit from assistance when drafting a FRA notification (Switzerland)	Implementation through a COP decision requesting the Secretariat to develop, based on nominations from Parties, a roster of experts willing to provide this service, or through the establishment of a new subsidiary body by the COP under Article 18(5)(a) of the Convention. Activities could also be implemented by individual Parties under Articles 15.3 ²²⁰ and 16 ²²¹ of the Convention.
3. Actions to improve the identification of SHPFs				
130	Assist with identifying pesticide formulations that result in acute poisoning at the national level	– Sri Lanka (PA-3) highlights the need for further assistance to finalize a study on pesticide formulations leading to acute poisoning in the occupational context at the national level. A previous study on the topic could not be finalised because of financial constraints, and insufficient coordination, cooperation and commitment of stakeholders.	– Need for more refined data on acute pesticide poisoning (Sri Lanka)	Implementation by individual Parties under Articles 15.2 ²²² and 16 ²²³ of the Convention. Activities to assist Parties with identifying pesticide formulations posing problems under conditions of use could also be part of the implementation of the TA plan. <i>Note:</i> The SHPF kit includes guidance on collecting data on pesticide poisoning (English), the FAO the guidelines on developing a reporting system for health and environmental incidents regulating from exposure to pesticides (English), the NIOSH guide for state-based programs on pesticide-related illness and injury surveillance (English) and a number of case studies and field tools. ²²⁴
4. Actions to enhance the process of drafting and adoption of recommendations and draft DGDs by the CRC				
140	Strengthen the CRC	– Honduras (PA-3) suggests strengthening the subsidiary organs of the Convention.		Implementation processes will depend on the type of measures envisaged.
141	Increase the number of CRC members	– Venezuela (PA-5) proposes increasing the number of CRC members to include more views and improve		Implementation must be in line with Article 18.6 (b) of the Convention (CRC is a body with a “limited” number of experts) and requires the adoption of a

Commented [A33]: We consider that this idea is valuable. The International Sanitary Regulations could be an example of this exercise, as well of the IPBES platform (biodiversity) and the roster of experts under the UNFCCC.

Commented [A34]: We do believe that the existing number of member are more than enough.

²²⁰ See footnote 19.

²²¹ See footnote 8.

²²² See footnote 7.

²²³ See footnote 8.

²²⁴ See footnote 9.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
142	Increase transparency in the work of the CRC	<p>information-exchange between the different regions.</p> <ul style="list-style-type: none"> Norway (PA-3) suggests strengthening the CRC by further increasing the transparency of its work, for example through the following actions: <ul style="list-style-type: none"> Considering the need for translating/interpreting documents and proceedings in all six languages Considering opening the CRC for further involvement of observers by allowing early comments on task group reports, inviting comments on Decision Guidance Documents (DGD), and allowing (e.g. Parties) to participate in intersessional work Consider mechanism to ensure optimal use of information that Parties that are not members of the CRC and that submitted an FRA for the considered chemical may have at their disposition 		<p>COP decision amending paragraph 1²²⁵ of the Terms of Reference (ToRs) of the CRC.</p> <p>Implementation through a COP decision amending paragraph 10²²⁶ of the ToRs of the CRC.</p> <p>Implementation through a COP decision supplementing the ToRs of the CRC mandating the CRC to complement/amend its working procedures to that effect.</p> <p><i>Note: The diagram in the Appendix provides an overview on opportunities for non-members to provide comments on task group report and draft DGDs according to the current procedures.</i></p> <p>Implementation through a COP decision supplementing the ToRs of the CRC mandating the CRC to complement/amend its working procedures to that effect.</p>
143	Improve consistency of CRC recommendations	<ul style="list-style-type: none"> Australia (PA-4) suggests considering ways to improve the consistency with strategies and procedures that strengthen the foundation of the recommendations. Improving the predictability in how the CRC operates will improve the CRC recommendations, COP decisions, CRC nominations and compliance with the Convention more broadly. Potential areas to explore include: 		

Commented [A35]: We agree with this proposal taking into account that most of our experts in the Latin American region have the expertise but not English proficiency.

Commented [A36]: Non-members of the CRC have the opportunity to provide comments on the draft DGDs, allowing the involvement of stakeholders in this important process.

Commented [A37]: Opening the CRC to everyone could be a risk to lose the scientific character of this body.

²²⁵Paragraph 1 of the ToRs states that the CRC is composed of 31 members. The ToRs are set out in decision RC-1/6.

²²⁶Paragraph 10 refers to paragraph 17 of the ToRs of the interim CRC, which provides that the meetings are held in English only and draft DGDs to be considered by the CRC and forwarded to the COP should be available in all six languages. The ToRs of the CRC are set out in decision RC-1/6.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
144	Strengthen technical, scientific information in CRC recommendation	<ul style="list-style-type: none"> Increasing guidance on CRC procedures Entitling the CRC to seek information from external experts, private sector and public interest bodies or non-member Parties to assist deliberations (as in Persistent Organic Pollutants Review Committee of the Stockholm Convention (POPRC)²²⁷) <p>– Mexico (PA-2) suggests measures to strengthen the technical and scientific justification of CRC recommendations, as national and international companies have questioned the validity and neutrality of CRC decisions (e.g. case of paraquat).</p>	<p>– Scientific, technical and statistical data prepared by the CRC could be more robust, such as by categorically documenting health and environmental effects associated with exposure to the candidate chemical (Mexico)</p>	<p>Implementation through a COP decision supplementing the ToRs of the CRC mandating the CRC to further specify its working procedures to that effect.</p> <p>Implementation through a COP decision supplementing the ToRs of the CRC mandating the CRC to complement/amend its working procedures to that effect.</p> <p>Implementation through a COP decision supplementing the ToRs of the CRC mandating the CRC to complement/amend its working procedures to that effect.</p>
145	Create a framework for the discussion of objections to the recommendation at the CRC level	<p>– Mexico (PA-3) proposes that Parties that do not share the recommendation of the CRC could back up their position with sufficient anticipation, so that the CRC and other Parties can evaluate the objections and reformulate the recommendation, and that Parties may consider the objections before the COP.</p>	<p>– Some Parties don't have the institutional capacity to defend their opposition to the recommendation (Mexico)</p> <p>– Some Parties lack inter-ministerial coordination to take collective and consensual decisions (Mexico)</p> <p>– No obligation on Parties that oppose a listing recommendation to support their position with technical and scientific evidence (Mexico)</p>	<p>Implementation through a COP decision mandating the CRC to complement/amend its working procedures or work practice to that effect.</p> <p>The CRC procedures cannot however create new obligations on Parties that are not in the Convention text. This would require following the amendment procedure enshrined in the Convention.</p>
146	Supplement the information available in the DGD	<p>– Norway (PA-4) proposes to strengthen the information exchange under the Convention, including by:</p> <ul style="list-style-type: none"> Encouraging Parties to share additional information and where 		<p>Implementation by individual Parties under Article 14.1 (a)²²⁸ of the Convention, for example, in combination with a COP decision encouraging</p>

Commented [A38]: It would be useful that Mexico provides additional information about what processes or methodologies should be improved.

We would like to note that the review of the economic implications should not be the main objective of the CRC work that should be focused in the impacts in human health and the environment.

Commented [A39]: Although the CRC cannot create new obligations on Parties that are not in the Convention text, we do believe that it is important that Parties justify their opposition to listing through scientific evidence in order to allow countries to review the establishment of a PIC procedure. In this sense, the COP should recommend or request this kind of information.

²²⁷ See in particular paragraphs 10 to 14 of the ToRs of the POPRC. The ToRs were adopted by decision SC-1/7 and amended by decisions SC-4/20 and SC-5/11 and are available for downloading on the Stockholm Convention website at <http://chm.pops.int/TheConvention/POPsReviewCommittee/OverviewandMandate/tabid/2806/Default.aspx>

²²⁸ Article 14.1 of the Rotterdam Convention provides that each Party shall facilitate: (a) The exchange of scientific, technical, economic and legal information concerning the chemicals within the scope of the Convention, including toxicological, ecotoxicological and safety information; (b) The provision of publicly available information on domestic

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<p>possible, to include such information in DGDs;</p> <ul style="list-style-type: none"> Including information from other MEAs and IGOs in the DGDs where relevant and possible. 		<p>Parties to share information for the DGDs and/or establishment of mechanisms to facilitate collection/submission of that information.</p> <p>Implementation through a COP decision mandating the CRC to collect this information and complement the working procedures, if necessary.</p> <p><i>Note:</i> The CRC working papers for preparing DGDs for banned or severely restricted chemicals and for SHPFs already provides for the inclusion of information from IGOs including results of international reviews such as those of WHO/IPCS/IMPR/IARC.</p>
5. Actions to facilitate consensus-finding at the COP				
150	Promote a shared understanding of the listing procedure	<ul style="list-style-type: none"> Mexico (PA-4) proposes that the Secretariat offer training and disseminate information on the implications of listing a chemical in Annex III, as the business sector considers that listing implies a prohibition on trade. Switzerland (PA-5) proposes awareness-raising activities to increase the understanding about the purpose and value of the Rotterdam Convention and the implications of listing. Sustainable Development Goals (SDGs) related to sound chemicals management could be used to promote the activities. Colombia (PA-2) proposes measures to ensure that the WTO recognize and undertake to inform its members of the benefits of the PIC procedure, as regards competitiveness, sustainability, and rational management of chemicals. Colombia, in particular, suggests exploring the possibilities for signing a memorandum of understanding (MoU) with the WTO with regard to 	<ul style="list-style-type: none"> Lack of resources to organize trainings and disseminate information (Mexico) Some information materials and webinars are only available in English (Mexico) Misconception among some stakeholders that the Rotterdam Convention restricts trade when it is in reality about information-sharing to promote a transparent and effective trading system (Switzerland) Need for improved understanding of and commitment to the implementation of the Convention and the rational management of chemicals by actors involved in the trade of chemicals (Colombia) 	<p>Implementation through public awareness activities and materials,</p> <p>Implementation through existing and/or new measures to enhance information-exchange with the WTO (MoU, joint TA activities, awareness-raising events during WTO meetings, etc.). The implementation process will depend on the type of measures envisaged.</p> <p><i>Note:</i> The Secretariat has sought observer status in the WTO Committee on Trade and Environment (CTE), as requested by the COP²²⁹ (the request is pending). It also participates on an ad hoc basis and upon invitation in meetings of that body when relevant.</p>

Commented [A40]: We agree with the suggestion. SDGs propose a framework of interlinkages with many other relevant topics that could help make visible the concerns of the Rotterdam Convention.

regulatory actions relevant to the objectives of the convention; and (c) The provision of information to other Parties, directly or through the Secretariat on domestic regulatory actions that substantially restrict one or more uses of the chemical, as appropriate.

²²⁹ See decisions RC-1/15, RC-4-10 and RC-5/13.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
151	Clarify the basis for listing decisions at the Conference	<p>exchange and dissemination of information on the implementation of the Rotterdam Convention.</p> <p>– Australia (PA-5) suggests examining the factors considered by Parties in making their listing decisions and whether these factors align with the Convention’s goals. Information on listing factors could serve as a basis for an analysis on the relationship between the CRC and the COP in the listing process, with the aim to reduce work duplications, minimise the re-production of positions and improve timeliness in decision-making.</p> <p>– Mexico (PA-5) proposes the elaboration of a methodology to guide Parties in taking national decisions on listing, taking into account environmental, commercial, agricultural production and health aspects to favour balanced decision-making. The Latin American and Caribbean Countries’ (GRULAC) representatives in the CRC rarely inform the region about discussions and work progress between the COPs. Mexico suggests, in particular, that the intersessional working group could propose a draft decision on the adoption of a methodology to COP-9.</p>	<p>– Lack of information on the factors considered by Parties when making a listing decision at COPs. Information on decision factors may provide insight on how to progress future listings. (Australia)</p> <p>– Lack of a methodology and technical and scientific criteria for Parties to back up their opposition to the listing of a chemical (Mexico)</p> <p>– Lack of a methodology on how CRC members should inform their region on the different themes discussed and to collect scientific information in the region for consideration by the CRC (Mexico)</p>	<p>Implementation through a COP decision mandating the Secretariat or an intersessional working group to collect the information and analyse the relationship between the CRC and COP.</p> <p>Implementation through a COP decision mandating the elaboration of a methodology, or adopting a methodology prepared by the intersessional working group.</p>
152	Promote a shared understanding of key terminology of the Convention	<p>– Australia (PA-2) suggests addressing disagreements and misunderstanding of the Convention’s mechanisms, processes and decision-making functions, by making key</p>	<p>– Lack of information on which terms require further clarification (Australia)</p> <p>– Lack of information on how other conventions have dealt with similar issues (Australia)</p>	<p>Implementation through, for instance:</p> <ul style="list-style-type: none"> • the intersessional working group, as part of its mandate to identify a set or prioritized recommendations for the COP, • as a follow-up to decision RC-8/14,²³⁰

Commented [A41]: Although it could be useful, we would like to know who is going to develop that kind of analysis. On the other hand, the Convention text provides us the criteria for listing, which is very comprehensive. Talking about ‘factors’ is very broad and the circumstances in each country are very different.

Commented [A42]: It would be useful that Mexico provide further comments on this proposal, in order to understand what is missing in the methodology as well in the scientific criteria.

Regarding the report of the CRC work, we agree that there should be feedback to the region after every CRC meeting. However, we do not think that this topic is an issue of the operation of the CRC but relates to coordination within the regional groups.

²³⁰ Paragraph 10 (a) of decision RC-8/14 on synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes requests the Secretariat to “seek, subject to the availability of resources, comments from parties and others on further areas, including areas common to two or three of the conventions, in which legal clarity could be improved as a means of preventing and combating illegal traffic and trade in hazardous chemicals and wastes and, based on those comments, to prepare a report, including recommendations, for consideration by the Conference of the Parties at its next meeting”.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<p>terminology of the listing process less ambiguous. To better enable Parties to consider the issue, Australia proposes an analysis on whether other Conventions were confronted with a similar issue and how they dealt with it. Possible solutions may include:</p> <ul style="list-style-type: none"> • Developing policy on key terminology; • Educating Parties on key terminology; • Providing more clarity in the text of the Convention. 		<ul style="list-style-type: none"> • through a new COP decision, tasking the Secretariat to undertake such an analysis. <p>Implementation through a COP decision mandating an intersessional working group to clarify key terminology (e.g. development of a glossary of terms for possible adoption by the COP).</p> <p>Implementation through public awareness activities and materials.</p> <p>Implementation through a COP decision amending²³¹ the Convention text.</p> <p>The amendment enters into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by its entry into force. All other Parties continue to be bound by the original Convention text.</p> <p>If ratified/accepted/approved by all Parties, all Parties will be bound by the new Convention text. The clarifications could fulfil their purpose of enhancing the shared understanding of the procedures under the Convention and their operation.</p> <p>If not ratified/accepted/approved by all Parties, which is the more likely scenario, not all Parties will be bound by the same Convention text</p>
153	Improve the understanding of the effects of listing on trade	<ul style="list-style-type: none"> – Bahrain (PA-3) suggests analysing the impact of listing on the market, including an assessment of the scope of that impact. – Bahrain (PA-4) further proposes a study based on Party consultations as to how listing impacts on industry and other actors. 	<ul style="list-style-type: none"> – The European Commission publication that is being prepared should be made available to all Parties (Bahrain) – Need to solicit information from industry on what factors hinder the export market of listed substances (Bahrain) 	<p>Implementation by a COP decision mandating the Secretariat to make the publication of the European Commission available to all Parties, upon its completion.</p> <p>Implementation through a COP decision mandating the Secretariat to conduct a survey to gather information from industry on export impediments for listed substances.</p>

Commented [A43]: We should keep in mind that the objective of the Rotterdam Convention consists on protecting human health and environment. The economic analysis is out of the mandate of the Convention.

²³¹The procedure for proposing and adopting amendments to the Convention text is set out in Article 21 of the Rotterdam Convention. The amendment must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 21.1 and 21.2 of the Convention). The COP then decides on the adoption of the amendment by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 21.3 of the Convention). Following the adoption, the amendment is communicated to all Parties.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> Canada (PA-4) proposes more work to determine what effects on trade other than those identified in the Secretariat study (UNEP/FAO/RC/COP.8/INF/21) result when a substance is listed. Criticism of the study stressed that although listing may not lead to an official ban, there may be indirect effects such as the ineligibility of a listed pesticide for certain funded projects. Peru (PA-2) proposes the development of a study on impacts resulting from the listing of a chemical in Annex III and prohibitions or restrictions that may be triggered by the listing. Switzerland (PA-4) proposes a study on the impacts of listing, providing a realistic picture of what happens when a chemical is listed. 	<ul style="list-style-type: none"> Lack of information on situations where listed pesticides become ineligible for funded projects (Canada) Lack of information on whether the listing of a chemical triggers prohibitions or restrictions or whether it does not affect trade among those Parties that decide to continue using the chemical (Peru) Lack of realistic picture of the impacts of listing a chemical in Annex III, including whether listing triggers bans at the national level, whether listing results in an increase of FRAs and whether listing stimulates the development and use of alternatives (Switzerland) 	<p>Implementation through a COP decision mandating the Secretariat to undertake further work on the topic.</p> <p><i>Note: A first study of information on the impacts of listing chemicals in Annex II to the Rotterdam Convention considered at COP-8 is available in document UNEP/FAO/RC/COP.8/INF/21.</i></p>
154	Permit a flexible entry into force of the PIC procedure for individual States	<ul style="list-style-type: none"> The EU and its member States (PA-3) propose amending the Convention to allow for flexibility with regard to the entry into force and/or acceptance of listing decisions by individual Parties. The national needs of some Parties could be taken into account in the listing decision, for example by providing for the deferred entry into force of the decision for that Party or 	<ul style="list-style-type: none"> Lack of information on the legal options for and consequences of such an amendment (EU and its member States) Lack of information on procedural requirements and steps for implementation (EU and its member States) Lack of information on the timeline for implementing the amendment (EU and its member States) 	<p>Implementation through a COP decision amending²³² Article 22.5 (c), 2nd sentence,²³³ of the Convention: The amendment either provides for the possibility for the COP to decide on different dates for the entry into force of the decision amending Annex III (option A), or it provides for the possibility to opt out (i.e. addition of text similar to Article 22.3 (b) of the Stockholm Convention²³⁴) (option B).</p> <p>The amendment enters into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have</p>

Commented [A44]: This study should be focused in terms of the objective of the Convention about the impacts in human health and the environment.

²³²The procedure for proposing and adopting amendments to the Convention text is set out in Article 21 of the Rotterdam Convention. The amendment must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 21.1 and 21.2 of the Convention). The COP then decides on the adoption of the amendment by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 21.3 of the Convention). Following the adoption, the amendment is communicated to all Parties.

²³³ Article 22.5 (c) of the Rotterdam Convention provides that “[a] decision to amend Annex III shall forthwith be communicated to the parties by the Depositary. The amendment shall enter into force for all Parties on a date to be specified in the decision.”

²³⁴ Article 22.3 (b) of the Stockholm Convention provides that “[a]ny Party that is unable to accept an additional annex shall so notify the depositary, in writing, within one year from the date of communication by the depositary of the adoption of the additional annex. The depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of any additional annex, and the annex shall thereupon enter into force for that Party subject to subparagraph (c).”

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<p>including a possibility to opt out of the listing. The EU and its member States suggest that the wording could be amended as follows: “The amendment shall enter into force on the date(s) to be specified in the decision” or “the amendment shall enter into force as specified in the decision”.</p>	<p>– Lack of information on practical consequences for the implementation for the Convention (EU and its member States)</p>	<p>ratified/accepted/approved the amendment will be bound by it. All other Parties continue to be bound by the original Convention text.</p> <p>If ratified/accepted/approved by all Parties, the amendment would enable the COP to decide on different dates of entry into force of the amendment for any given individual Party or groups of Parties (option A), or the Convention would provide the possibility for a Party to notify the depositary that it is unable to accept the amendment (option B), thereby establishing variations in the dates of coming into effect of the obligations associated with the PIC procedure (Article 10).</p> <p>If the amendment comes into effect without being ratified/accepted/approved by all Parties, which is the more likely scenario, the possible legal and operational implications may need to be further explored. The preliminary information in the following paragraphs answers the request for the Secretariat to present in the present report information on the legal and operational implications of this scenario. Parties may however wish to request the Secretariat to seek the views of Parties on the matter, and/or to seek a legal opinion from the Office of Legal Affairs of the United Nations.</p> <p>The preliminary view is that if the amendment enters into force without being ratified/accepted/approved by all Parties, it will create two separate sets of rights and obligations for Parties. For Parties bound by the original Article 22.5 (c), the decision amending Annex III would come into force on a date to be specified in the decision.</p> <p>For Parties bound by the amended Article 22.5 (c), the implications depend on the nature of the amendment:</p> <p>If option A is followed, the COP could decide on different dates of entry into force of the amendment to Annex III for individual Parties or groups of Parties that have ratified/accepted/approved the amendment to Article 22.5 (c). If this decision to amend Annex III can be taken by consensus, by all Parties to the Convention, the existence of two parallel sets of rights and obligations would not impair the listing process. However, if the decision to amend Annex III cannot be taken by consensus by all Parties to the Convention, it would appear that two distinct decisions to list a chemical in Annex III would need to be adopted.</p> <p>If option B is followed, the decision to list a chemical in Annex III would not be affected as it is the Convention text that would give the possibility to a Party bound by the amended Article 22.5 (c) to notify the depositary that it is unable to accept the amendment.</p>

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
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6. Actions to amend the decision-making process for listing chemicals

160	Subject chemicals to a voluntary PIC procedure, where a (qualified) majority of Parties agrees to their listing	<ul style="list-style-type: none"> – Canada (PA-1) proposes continued use of Article 14 to as a means for Parties to implement a voluntary PIC mechanism for substances that have not yet achieved consensus. – The EU and its member States (PA-2) propose the adoption of a standalone decision at the Conference of the Parties that invite Parties to apply the PIC procedure on a voluntary basis to chemicals for which consensus could not be reached. Parties would have the possibility to subscribe to that voluntary procedure either during the Conference or later on. The voluntary procedure would apply until the next Conference. Such a mechanism has the advantages of ensuring that chemicals are kept on the agenda of the Conference of the Parties and of allowing all Parties that support the listing to apply the PIC procedure and benefit from the control procedures established by the Convention. The decision could also mandate the 	<ul style="list-style-type: none"> – Lack of information on the legal options for and consequences of such an amendment (EU and its member States) – Lack of information on procedural requirements and steps for implementation (EU and its member States) – Lack of information on the timeline for implementing the amendment (EU and its member States) – Lack of information on practical consequences for the implementation for the Convention (EU and its member States) 	<p>Under both options A and B, the amended Article 22.5 (c) would establish variations in the dates of coming into effect of the obligations associated with the PIC procedure (Article 10).</p> <p>Implementation by individual Parties under Article 14.1²³⁵ of the Convention, for example in combination with a COP decision inviting Parties to inform other Parties of their decisions regarding import and management of chemicals for which listing in Annex III could not be decided.</p> <p><i>Note:</i> The COP has previously adopted decisions with respect to chemicals for which listing in Annex III could not be decided to encourage Parties to make use of all available information to assist others, in particular developing Parties and Parties with economies in transition, to make informed decisions regarding import and management of the substance and to inform other Parties of those decisions using the information-exchange provisions of Article 14.²³⁶</p> <p>Implementation through COP decisions inviting Parties to apply the PIC procedure on a voluntary basis. This approach requires a new decision for each chemical for which consensus could not be reached.</p>
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²³⁵ See footnote 30.

²³⁶ See, for example, decisions RC-3/3 and RC-4/4 (on chrysotile asbestos), RC-4/6 (on endosulfan), RC-6/8 (on liquid formulations containing paraquat), RC-8/6 (on carbosulfan), and RC-8/7 (on fenthion).

Commented [A45]: Colombia considers that this could be an opportunity to allow parties who can take a decision on the listing to implement the Convention. This proposal also includes a possibility to opt out of the listing for a limited period of time, allowing those who are not ready, to take the necessary steps at national level before the implementation of the PIC procedure.

We consider that this proposal can generate two separate sets of obligations for Parties, making more difficult the follow-up on the implementation of the Convention and its compliance. It also requires efforts to set and agree date(s) of the entering into force.

Colombia is still reviewing the legal implications of this option and expects to share our legal interpretation in the next meeting of the group.

Commented [A46]: Colombia considers that this is the option that could be accepted by most of parties since it does not have legal implications and would not generate two sets of legal obligations that would divide the implementation of the Agreement into two.

Such a decision would establish a mechanism that brings chemicals that have been recommended for listing in Annex III but for which consensus to list was not reached. Such decision will be brought back for consideration of subsequent COPs and when adopted, those substances will be included in Annex III. Further it would lay out a procedure that allows to apply the PIC procedure on an interim basis (voluntary).

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<p>Secretariat to exercise certain responsibilities with regard to the implementation of the voluntary PIC procedure.</p> <ul style="list-style-type: none"> The EU and its member States (PA-4) suggest amending the Convention to establish a new Annex for chemicals for which it is not possible to reach consensus in order to subject them to a voluntary PIC procedure. Chemicals would automatically be listed in this new annex if the Conference of the Parties failed to list them. 	<ul style="list-style-type: none"> Lack of information on the legal options for and consequences of such an amendment (EU and its member States) Lack of information on procedural requirements and steps for implementation (EU and its member States) Lack of information on the timeline for implementing the amendment (EU and its member States) Lack of information on practical consequences for the implementation for the Convention (EU and its member States) 	<p>Implementation through a COP decision adopting²³⁷ an additional annex.²³⁸</p> <p>The new annex enters into force one year after its notification. Only Parties that did not declare that they are unable to accept the additional annex will be bound by the new annex upon its entry into force.</p> <p>Parties would also need to consider the procedure for amending the new annex each time there is a failure to reach consensus on a listing if the intention is for this procedure to derogate from the Convention text (Article 22.3).</p>
161	Subject chemicals to the PIC procedure, where a (qualified) majority of Parties agrees to their listing	<ul style="list-style-type: none"> Australia (PA-1) proposes to further consider options to amend the listing process for Annex III, including the proposal to allow for the listing decision to be taken by a three-fourth majority as a measure of last resort, or to add a new annex for chemicals that did not reach consensus. To better enable Parties to consider the issue, Australia proposes an analysis on whether other conventions were confronted with a similar issue and how they dealt with it. 	<ul style="list-style-type: none"> Lack of information on whether other conventions amended their text to address similar problems and what the practical outcome of those amendments was (Australia) 	<p>Implementation through the intersessional working group, as part of its mandate to identify a set or prioritized recommendations for the COP, or through the COP, tasking the Secretariat to undertake such an analysis.</p>

Commented [A47]: Another option that is being under consideration by Colombia, would be to add a new Annex which would allow Parties to “opt out” of the PIC procedure for these chemicals. Such an Annex for example could establish either the same obligations as those presently listed in Annex III or different obligations such as promoting information exchange, this is something that the group could discuss.

We are revising the legal implications of such decision, considering that only countries who do not oppose to the annex would be bound to use it. Also the legal implications of its amendment should be further explored.

Commented [A48]: The first possibility is to amend Article 22.5, so that a decision to list a chemical could be made by a majority vote – say, three-quarters of the Parties present and voting when all efforts to reach consensus have been exhausted. This would take considerable effort and time, it is important to keep in mind that we already have a precedent in others MEAS particularly the Ban amendment in Basel Convention, which has not yet entry into force taking into account that we need more ratifications.

It is also important to note that there are difficulties to decide what is a ‘last resort measure’ and ‘when all efforts to reach consensus have been exhausted’

However, Colombia is revising the legal implications of all amendment possibilities and soon we would be in a position to consider this option as a way to move forward and achieve the effectiveness of the Convention.

Colombia would consider useful the analysis on whether and how other conventions have dealt with this matter. It could be requested through a COP decision that the Secretariat develops such analysis. This information could be useful for a decision making process.

²³⁷The procedure for proposing and adopting new annexes to the Convention text is set out in Article 22 of the Rotterdam Convention. The new annex must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 22.3 (a) of the Convention). The COP then decides on the adoption of the new annex by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 22.3 (a) of the Convention). Following the adoption, the new annex is communicated to all Parties. Parties that are unable to accept an additional annex must so notify the Depositary, in writing, within one year from the date of communication (Article 22.3 (b) of the Convention).

²³⁸ Article 22.1 of the Rotterdam Convention provides that “Annexes shall be restricted to *procedural, scientific, technical or administrative* matters”. The annex would need to be legally grounded in the Convention text. The scenario is distinct from the case of the adoption of the Annexes VIII an IX to the Basel Convention, which were an elaboration of an existing annex (Annex I). Determination of the legal basis in the Convention text for the suggested voluntary PIC mechanism may require further analysis of the different articles of the Convention that could serve as a basis for its adoption (e.g. the obligations of Article 14 on information exchange or an amendment to the Convention).

Ref.	Priority actions	Summary of priority actions	Keyinformation gaps	Legal and operational implications
		<p>– Bahrain (PA-1) suggests changing the decision-making for listing, to ensure that no State as veto power to oppose listing, where a vast majority supports the listing.</p> <p>– Canada (PA-2) highlights the need for a robust and informed discussion on the legal and operational impacts, challenges as well as benefits, of allowing for chemicals to be listed by vote by amending the text of the Convention.</p> <p>– Ecuador (PA-1) proposes to change the voting procedure, because the efforts of some countries to provide studies on the effects of those substances did not have the expected impact on the COP. Ecuador recalls that the object of including chemicals in Annex III is to address human health and environmental problems, not to guarantee commercial interests.</p> <p>– The EU and its member States (PA-5) suggest the adoption of an amendment to the Convention to the effect to change the listing procedure and allow for a majority vote as a measure of last resort where it is impossible to reach consensus. The new voting mechanism should ensure that a majority decision is binding for all Parties that have ratified the amendment. All decisions adopted by</p>	<p>– Lack of analysis as to why consensus could not be reached in specific cases (Bahrain)</p> <p>– Lack of information on Parties' views, rationales and barriers moving forward (Canada)</p> <p>– Lack of information on legal aspects related an amendment of the listing procedure (Ecuador)</p> <p>– Lack of legal opinions on the consequences of the amendment (EU and its member States)</p> <p>– Lack of information on procedural requirements and steps for the implementation of the amendment (EU and its member States)</p> <p>– Lack of information on the timeline for implementing the amendment(EU and its member States)</p> <p>– Lack of information on practical consequences for the implementation for the Convention (EU and its member States)</p>	<p>Implementation through a COP decision amending²³⁹ Article 22.5 (b)²⁴⁰ of the Convention.</p> <p>The amendment enters into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by its entry into force. All other Parties (max. one fourth of the Parties) continue to be bound by the original Convention text.</p> <p>If ratified/accepted/approved by all Parties, all Parties will be bound to apply the PIC procedure upon entry into force of the decision amending Annex III.</p> <p>If not ratified/accepted/approved by all Parties, which is the more likely scenario, the possible legal and operational implications may need to be further explored. The preliminary information in the following paragraphs answers the request for the Secretariat to present in the present report information on the legal and operational implications of this scenario. Parties may however wish to request the Secretariat to seek the views of Parties on the matter, and/or to seek a legal opinion from the Office of Legal Affairs of the United Nations.</p> <p>The preliminary view is that if the amendment enters into force without being ratified/accepted/approved by all Parties, it will create two separate sets of rights and obligations for Parties. The impact of this dual regime will not raise implications in practice if the decision amending Annex III is adopted by consensus. If however Parties are unable to reach agreement by consensus on amending Annex III, then only the Parties bound by the amended Article 22.5 (b) could proceed with decision-making by voting, and if a decision is adopted to list a chemical, only those Parties would be bound by the decision listing the chemical and the obligations associated with the PIC procedure (Article 10).²⁴¹</p> <p><i>Note: Available information includes the thought starter on “Ensuring the continued effectiveness of the Rotterdam Convention”</i></p>

Commented [A49]: The comment provided by Bahrain is in line with the suggestion made by Australia, we would be in a position to consider this option. However we would require more information on how would the mechanism to avoid ‘veto power’ would operate.

We are concerned that the proposals implying the amendment of the Convention will generate two separate sets of obligations for Parties, making more difficult the follow-up on the implementation of the Convention and its compliance.

Colombia is still reviewing the legal implications of this option and expects to bring the insights on the matter in the next meeting of the working group.

Commented [A50]: We agree that until now there is not much clarity regarding the legal and operational impacts of an amendment to introduce the vote.

²³⁹The procedure for proposing and adopting amendments to the Convention text is set out in Article 21 of the Rotterdam Convention. The amendment must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 21.1 and 21.2 of the Convention). The COP then decides on the adoption of the amendment by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 21.3 of the Convention). Following the adoption, the amendment is communicated to all Parties.

²⁴⁰ Article 22.5 (b) of the Rotterdam Convention provides that “[t]he Conference of the Parties shall take its decision on adoption by consensus”.

²⁴¹ A similar situation may also occur under the Stockholm Conventions, for example. The Stockholm Convention allows for the possibility to list new POPs by a three-quarter majority decision.²⁴¹ Individual Parties may, however, opt out of any amendment by notifying their objection to the Secretariat.²⁴¹ Where a Party has made such a notification, the Convention regime does not apply to that Party for that specific chemical.

Ref.	Priority actions	Summary of priority actions	Keyinformation gaps	Legal and operational implications
		<p>consensus would be handled by the normal procedure.</p> <ul style="list-style-type: none"> – Switzerland (PA-1) suggests exploring, in a process including Parties only, how different options of amending the Convention could increase its effectiveness. This should include the option of amending the listing process to enable voting. – Yemen (PA-3) proposes amending the procedure for amending Annex III. It also refers to the option of increased information-exchange through the Secretariat. 		(UNEP/FAO/RC/COP.4/13) and the documentation on the amendments proposed at COP8 (UNEP/FAO/RC/COP.8/16/Add.1).
162	Subject chemicals to the PIC procedure, where a (qualified) majority of Parties agrees to their listing, with the possibility to opt out	<ul style="list-style-type: none"> – Mexico (PA-1) suggests modifying the decision-making process for listing chemicals to align it with the listing process under the Stockholm Convention to avoid that some chemicals remain unlisted for several COPs. 	<ul style="list-style-type: none"> – Lack of understanding of the complexities involved in modifying Article 22.5 to align it with Article 21.3 of the Stockholm Convention(Mexico) 	<p>Implementation through a COP decision by amending²⁴² Articles22.4 and 22.5²⁴³of the Convention.</p> <p>The amendment enters into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by its entry into force. All other Parties continue to be bound by the original Convention text.</p> <p>If ratified/accepted/approved by all Parties, the amendment will create two separate sets of rights and obligations for each newly listed chemical, unless none of the Parties chooses to opt out of a decision listing a specific chemical.²⁴⁴</p> <p>If not ratified/accepted/approved by all Parties, which is the more likely scenario, the possible legal and operational implications may need to be further explored. The preliminary information in the following paragraphs answers the request for the Secretariat to present in the present report information on the legal and operational implications of this scenario. Parties</p>

Commented [A51]: Could be useful to know if Parties use the option of notification in order to opt out of a decision listing, for example under the Stockholm Convention.

We are concerned that this option would imply not two but three types of obligations for the parties: 1) for the parties accepting the amendment, voting and applying the PIC; 2) for Parties accepting the amendment and opting out of the PIC; 3) for parties not accepting the amendment and applying the PIC as usual.

This scenario results a bit confusing for us. As mentioned earlier, we are revising the legal implications of all scenarios. However we anticipate that this option would make harder the follow-up in the implementation and compliance of the Convention.

²⁴²The procedure for proposing and adopting amendments to the Convention text is set out in Article 21 of the Rotterdam Convention. The amendment must be proposed by a Party and communicated to all Parties at least six months before the COP meeting (Article 21.1 and 21.2 of the Convention). The COP then decides on the adoption of the amendment by consensus, or, if all efforts have been exhausted by a three-fourth majority (Article 21.3 of the Convention). Following the adoption, the amendment is communicated to all Parties.

²⁴³ Article 22.4 *ab initio* of the Rotterdam Convention makes reference to “Except in the case of Annex III”. Article 22.5 of the Rotterdam Convention provide that “[t]he Conference of the Parties provides for the special procedure to amend Annex III.

²⁴⁴This is also the situation of the Stockholm Conventions, for example. The Stockholm Convention allows for the possibility to list new POPs by a three-quarter majority decision.²⁴⁴ Individual Parties may, however, opt out of any amendment by notifying the Depositary that they are unable to accept it. Where a Party has made such a notification, the Convention regime does not apply to that Party for that specific chemical.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
				<p>may however wish to request the Secretariat to seek the views of Parties on the matter, and/or to seek a legal opinion from the Office of Legal Affairs of the United Nations.</p> <p>The preliminary view is that if the amendment enters into force without being ratified/accepted/approved by all Parties, it would appear to create three separate sets of rights and obligations for Parties. The first set would apply to those Parties that have not ratified/accepted/approved the amendment of Articles 22.4 and 22.5. They would only be bound by the obligations associated with the PIC procedure (Article 10) if Parties reach agreement by consensus on amending Annex III.</p> <p>However, if Parties are unable to reach agreement by consensus on amending Annex III, the Parties that ratified/accepted/approved the amendment of Articles 24 and 22.5 could proceed with decision-making by voting. If a decision is adopted to list a chemical, a Party that has ratified/accepted/approved the amendment of Articles 22.4 and 22.5 would be bound by the decision to list the chemical and the obligations associated with the PIC procedure (Article 10) (second set of rights and obligations), unless it decides to opt out (third set of rights and obligations).</p>

Category B: The PIC procedure

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
	1. Actions to improve compliance with the obligation to transmit export notifications			
210	Encourage producer countries to transmit export notifications to developing countries before exporting dangerous chemicals	– The Democratic Republic of the Congo (PA-3) proposes measures to encourage pesticide producer countries to notify exports in a responsible manner before exporting hazardous chemicals to developing countries.		<p>Implementation through public awareness activities and materials.</p> <p>Could potentially be included in the general review mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330).</p> <p><i>Note:</i> The Convention only requires that an exporting State transmits an export notification if that State has severely restricted or banned the chemical that is exported.²⁴⁵ RC-7/2 requested the Secretariat to provide assistance to Parties, upon request, in implementing Articles 11.2(c) and 12.</p>

²⁴⁵ See Article 12.1 of the Rotterdam Convention.

Commented [A52]: These notifications would be useful for developing countries to create and improve their inventories of hazardous chemicals. Often the absence of a FRA does not mean the opposition to the regulation but the lack of information about the amount and use of the substance. That in turn could have a positive effect in the following-up of the Convention compliance.

However, it would be useful to know if this sort of mechanism it is still within the mandate of the convention.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
211	Assist importing Parties to acquire the necessary logistic means to promptly acknowledge receipt of export notifications	– The Democratic Republic of the Congo (PA-4) proposes that Rotterdam Convention Designated national authorities (DNAs) be equipped with the necessary logistical means (computer, internet connection) to provide real-time replies to export notifications.		Implementation through the TA plan or technology transfer.
212	Send only one notification per chemical	– Kuwait (PA-2) proposes that chemical notifications should not be sent several times even where the Party has responded, as this creates confusion because the chemical is studied with each notification a new.	– Notifications should only be sent once to avoid confusions (Kuwait)	The proposal would benefit from further elaboration. <i>Note:</i> The Convention obliges exporting Parties to resend an export notification before the first export in every calendar year, if it has adopted a major change to the FRA in question, or if it did not receive an acknowledgement of receipt by the importing Party within 30 days of notification. The obligation to notify before the first export in any calendar year may be waived by the importing Party. ²⁴⁶
2. Actions to improve Parties' provision of import responses				
220	Expedite national process to adopt import responses	– Bosnia and Herzegovina (PA-1) identifies the preparation and submission of and import response for each listed chemical as a priority action at the national level.	– Different regulatory regimes in different parts of the country and corresponding delays in the process of adopting national import responses (Bosnia and Herzegovina)	Implementation by individual Parties under Article 15.1 ²⁴⁷ of the Convention. Activities to assist Parties in expediting national processes for the adoption of import responses could also be part of the TA plan. Could potentially be included in the general review mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330).
221	Create new mechanisms to assist developing countries with adopting and enforcing import responses	– Yemen (PA-5) proposes the creation of mechanisms to help Parties, in particular developing countries, adopt and give effect to their import decisions. This includes: • Greater efforts to ensure that scientific information is synthesized and presented in a clear way to be useful to decision-makers and non-specialist stakeholders.	– Lack of capacity in developing countries, such as inadequate IT equipment, limited ability to access background materials, limited data interpretation capacity, and limited access to decision support systems (Yemen) – Insufficient information relevant to developing countries, such as information on alternatives (Yemen) – Limited sharing of information within the region, which is made more	Implementation processes will depend on the type measures envisaged. <i>Note:</i> The resource kit ²⁴⁸ includes the health and safety guides (HSGs) that provide concise information, using non-technical language, for decision-makers

²⁴⁶See Article 12 of the Rotterdam Convention.

²⁴⁷ See footnote 16.

²⁴⁸ The resource kit is available at <http://www.pic.int/Implementation/ResourceKit/tabid/1064/language/en-US/Default.aspx>.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> • A platform for information-sharing about national regulatory decisions on chemicals and pesticides should be made available in all six languages to help Parties learn more about the characteristics of potentially hazardous chemicals that may be imported. 	<p>difficult by frequent changes of OCPs (Yemen)</p> <ul style="list-style-type: none"> – Lack of mechanism to assist countries, particularly developing countries in implementing the Convention (Yemen) 	<p>on risks from exposure to chemicals, together with practical advice on medical and administrative issues.²⁴⁹</p> <p>Could be implemented in the context of the development of the clearing-house mechanism for information exchange.</p>
3. Actions to improve Parties' control of chemicals imports				
230	Train national authorities with respect to the development of import standards	<ul style="list-style-type: none"> – Ecuador (PA-2) suggests providing training to customs and commercial authorities with respect to the development of standards for identifying pesticides and hazardous chemicals at import controls, based on experiences in other countries. 	<ul style="list-style-type: none"> – Lack of knowledge on standards for import controls for chemicals (Ecuador) – Lack of exchange of experiences with other countries on the application of import controls for chemicals (Ecuador) 	<p>Implementation by individual Parties under Articles 15.1²⁵⁰ and 16²⁵¹ of the Convention.</p> <p>Activities to train customs and commercial authorities could also be part of the TA plan.</p> <p><i>Note:</i> Decisions RC-8/14 requested the Secretariat to support Parties, upon request and within available resources, on matters pertaining to the implementation and enforcement of the provisions aimed at controlling the export and import of chemicals, including the development and updating of national legislation or other measures. Training activities organized by the Rotterdam Convention Secretariat targeting customs authorities are carried out through the Green Customs Initiative (GCI). Furthermore, relevant information on the Rotterdam Convention has been made available through the World Customs Organization (WCO) training centres, customs enforcement network and website.</p>

²⁴⁹ The reference and link to the HSGs is available in Section E.3 of the resource kit at <http://www.pic.int/Implementation/RessourcesKit/SourcesofInformationonHazardousChemicals/tabid/1503/language/en-US/Default.aspx>.

²⁵⁰ See footnote 16.

²⁵¹ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		– Afghanistan (PA-4) proposes the development of national standards for goods (e.g. consumer goods) containing chemicals.	– Lack of information on production, trade and uses of chemicals (Afghanistan) – Lack of information on hazardousness (Afghanistan) – Lack of information on supply chains (Afghanistan)	The specific issue of pollution standards for imported goods falls outside the scope of the Rotterdam Convention.
231	Assist with the development of trade control mechanisms	– Jordan (PA-4) identifies the need at the national level to establish a mechanism to restrict trade in chemicals as a result of their listing.	– Lack of financial and technical capacity to carry out studies on the risks of chemicals (Jordan)	Implementation by individual Parties under Articles 15.1 ²⁵² and 16 ²⁵³ of the Convention. Activities to assist Parties with establishing trade control mechanisms could also be part of the TA plan.
232	Assist with the development and operation of analytical laboratories for import controls	– Afghanistan (PA-3) identified the need for analytical laboratories to analyse and detect hazardous materials in imported goods, including established procedure to conduct the analyses (protocols on the collection of samples, drafting of technical reports, safe management at Customs)	– Lack of information on chemicals and their adverse effects (Afghanistan) – Lack of data on chemical release (Afghanistan) – Lack of data on soil, water, waste sludge, etc. contamination (Afghanistan) – Lack of monitoring data to inform policies (Afghanistan)	Implementation by individual Parties under Articles 15.1 ²⁵⁴ and 16, ²⁵⁵ through the TA plan and/or technology transfer. <i>Note:</i> Training activities organized by the Rotterdam Convention Secretariat targeting customs authorities are carried out under the TA plan and through the GCI. Furthermore, relevant information on the Rotterdam Convention has been made available through the WCO training centres, customs enforcement network and website. Available guidance includes the fact sheet on the role of customs in the implementation of the Rotterdam Convention, the training manual for customs officers on hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm conventions, ²⁵⁶ the case studies on customs-related aspects of the Rotterdam convention, the green customs guide to multilateral environmental agreements (MEAs), and the manual on compliance with and enforcement of MEAs.
233	Assign HS codes to all compounds listed in Annex III	– Sri Lanka (PA-5) proposes to assign Harmonized System codes (HS codes) for the full spectrum of compounds listed in Annex III, for better identification of pesticides.	– Poor customs awareness (Sri Lanka)	The assignation of HS codes falls within the mandate of the WCO (the Secretariat already requested the assignment of HS codes for all newly listed chemicals, this work is ongoing). <i>Note:</i> The list of assigned HS codes is available on the Convention website. ²⁵⁷

Commented [A53]: Colombia agrees that this sort of capacity could be improved for our country as well.

²⁵² See footnote 16.

²⁵³ See footnote 8.

²⁵⁴ See footnote 16.

²⁵⁵ See footnote 8.

²⁵⁶ The training manual for customs officers on hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm Conventions is available at <http://synergies.pops.int/Implementation/TechnicalAssistance/ToolsandMethodologies/ManualforCustomsOfficers/tabid/4457/language/en-US/Default.aspx>. All other guidance documents mentioned in the note are available at <http://www.pic.int/Implementation/Customs/DocumentsLinks/tabid/1614/language/en-US/Default.aspx>.

²⁵⁷ See <http://www.pic.int/TheConvention/Chemicals/HarmonizedSystemCodes/tabid/1159/language/en-US/Default.aspx>.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
4. Actions to improve the implementation of the PIC procedure in general				
240	Promote and improve the PIC circular	<ul style="list-style-type: none"> Norway (PA-4) proposes to strengthen the information exchange under the Convention, including by: <ul style="list-style-type: none"> Promoting a more active use of the PIC Circular at the national level Improving the format of the PIC circular to make it more user-friendly. 		<p>Implementation through public awareness activities and materials.</p> <p><i>Note:</i> The resource kit includes the user's guide for the PIC circular (Arabic, English, French, Russian, Spanish)</p> <p>Implementation through the Secretariat.</p>
241	Improve support mechanisms for the implementation of the PIC procedure in developing countries	<ul style="list-style-type: none"> Australia (PA-3) proposes review and further improvement of support mechanisms for developing countries to implement the PIC procedure and associated administrative processes, such as by: <ul style="list-style-type: none"> Providing support Increasing education and awareness campaigns Parties offering mentoring or secondments Developing model regulatory frameworks 	<ul style="list-style-type: none"> Lack of information on support mechanisms used under other conventions providing for a PIC procedure and their success (Australia) 	<p>As regards the lack of information on other Conventions, implementation could be:</p> <ul style="list-style-type: none"> through the intersessional working group, as part of its mandate to identify a set or prioritized recommendations for the COP, through the COP, tasking the Secretariat to gather such information and undertake such an analysis potentially included in the general review mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330) <p>Implementation by individual Parties under Article 16²⁵⁸ of the Convention and through the TA plan.</p> <p>Implementation through public awareness activities and materials.</p> <p><i>Note:</i> The resource kit includes a leaflet on the Rotterdam Convention and the PIC procedure (English, French, Spanish), and a leaflet on international trade control measures under the Basel, Rotterdam and Stockholm Conventions. Furthermore, the Guidance to DNAs on the operation of the Rotterdam Convention (Arabic, English, French, Russian, Spanish) includes a chapter on the PIC procedure.²⁵⁹</p> <p>Implementation by individual Parties under Article 16²⁶⁰ of the Convention.</p> <p>Implementation through the TA plan.</p>

Commented [A54]: In line with what has been observed by Norway, deliberative dialogues and information exchange in the technological field facilitating the application of export notifications and the response to notifications can be applied.

²⁵⁸ See footnote 8.

²⁵⁹ See <http://www.pic.int/Implementation/ResourceKit/tabid/1064/language/en-US/Default.aspx>.

²⁶⁰ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
				<p>Could potentially be included in the mandate of the compliance committee proposed to be established in terms of Article 17 (See PA 330).</p> <p><i>Note:</i> Available guidance materials include the Guide on the Development of National Laws (Arabic, Chinese, English, French, Russian, Spanish) and three legal case studies on implementation (Arabic, Chinese, English, French, Russian, Spanish).²⁶¹ Furthermore, decision RC-8/14 requested the Secretariat to support Parties, upon request and within available resources, on matters pertaining to the implementation and enforcement of the provisions aimed at controlling the export and import of chemicals, including the development and updating of national legislation or other measures, and to develop examples of the integration of the provisions of the Basel, Rotterdam and Stockholm conventions into national legal frameworks and to organize training activities, subject to the availability of resources and in collaboration with partners, to assist Parties, particularly developing-country Parties and Parties with economies in transition, in the development of national legislation and other measures to implement and enforce the provisions of the convention aimed at controlling the export and import of chemicals and wastes covered under the conventions.</p>
242	Create an online system for managing requests for prior consents and respective answers	– Costa Rica (PA-3) proposes setting up an online system for the management of request for prior consent and respective answers.	– Need for greater flexibility in the PIC system (Costa Rica)	<p>Could be implemented in the context of the development of the clearing-house mechanism for information exchange.</p> <p><i>Note:</i> Some of the PIC procedures are already available as only system, such as for the submission of import responses²⁶² and FRA notifications²⁶³.</p>

²⁶¹The mentioned guidance documents are available in the resource kit at <http://www.pic.int/Implementation/RessourceKit/tabid/1064/language/en-US/Default.aspx#GUIDANCEINFO>.

²⁶² See <http://www.pic.int/Procedures/ImportResponses/FormandInstructions/tabid/1165/language/en-US/Default.aspx>.

²⁶³ See <http://www.pic.int/Procedures/NotificationsofFinalRegulatoryActions/FormandInstructions/tabid/1182/language/en-US/Default.aspx>.

Category C: Overall effectiveness of the Convention

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
1. Actions to promote awareness at the national level				
310	Raise awareness on the Convention and its objectives	<ul style="list-style-type: none"> Costa Rica (PA-1) proposes training to DNAs and OCPs on the Rotterdam Convention and synergies with the Basel and Stockholm Conventions. The EU and its member States (PA-1) suggest enhancing the implementation of the Convention by improving the transparency of the implementation of the Convention at the national level and by raising awareness on the obligations of Parties and stakeholders. Furthermore stakeholders (exporters, users) could be involved in the national implementation process to ensure that they are fully aware of the consequences and benefits of listing a chemical. Honduras (PA-1) proposes ongoing trainings for DNAs and OCPs on Parties' obligations under the Convention. Norway (PA-5) proposes awareness-raising activities to ensure that relevant stakeholders (national governments, industry, etc.) have correct information on the Convention and its objectives. Uganda (PA-1) proposes actions to ensure the understating of the aims, objectives and requirements of the Convention. Uganda (PA-3) highlights that the general awareness on MEAs, including the Rotterdam Convention is low. The scarcity of awareness materials at the national level, their complexity, the lack of a national communication strategy, and the failure to 	<ul style="list-style-type: none"> Lack of understanding by DNAs and OCPs of some aspects of the Convention (Costa Rica) Often times authorities are unaware of the obligations derived from the Convention and no one is responsible for following-up on the theme (Honduras) Lack of technical assistance from the RC Secretariat for awareness campaigns for stakeholders covering aims, objectives and requirements of the Convention (Uganda) Inadequate awareness on MEA including the Rotterdam Convention (Uganda) Inadequate integration of MEAs regulating chemicals into educational programs (Uganda) 	<p>Implementation through public awareness activities and materials.</p> <p><i>Note:</i> The resource kit includes the guidance document to DNAs on the operation of the Rotterdam Convention (Arabic, English, French, Russian, Spanish).²⁶⁴</p>

²⁶⁴ The Guidance to DNAs on the Operation of the Rotterdam Convention is available at <http://www.pic.int/Implementation/RessourceKit/tabid/1064/language/en-US/Default.aspx#GUIDANCEINFO>.

Commented [A55]: The PIC is a mean to formally obtain and disseminate information so that decisions can be made by the importing countries as to whether they wish to receive future shipments of certain chemicals and for ensuring compliance with these decisions by exporting countries. It is important to highlight that the objective of this mechanism is NOT to ban the production and use of the chemicals. And we have to recognized that Parties and the secretariat did a lot of work ensure the understanding do the aims of the convention.

One question that could be asked is whether a process whereby 80% of chemicals that the CRC agrees to recommend for listing do not progress is efficient and effective. It is acknowledged that the process consumes resources in the chemicals and wastes cluster that could have otherwise been used for another constructive purpose. Accordingly, it is timely to better understand and make decisions regarding how the Convention can be more efficient and effective at promoting greater chemicals safety.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		include MEAs into educational programs contribute to the low level of public awareness.		
311	Awareness on risks associated with chemicals	– The Democratic Republic of the Congo (PA-5) proposes measures to equip DNAs with the necessary means to raise awareness on the risks associated with handling pesticides and hazardous chemicals.		Implementation by individual Parties under Articles 14.1 ²⁶⁵ and 15.2 ²⁶⁶ of the Convention and through public awareness activities and materials. <i>Note:</i> Several documents developed under Rotterdam can be used for awareness-raising at the national level, including the guide to protect children from pesticides (Arabic, English, French, Spanish, Russian, Portuguese), the e-learning course on pesticide management and child labour prevention (English, French, Spanish) and the leaflet on sustainable alternatives to endosulfan in coffee farms (Arabic, English, Chinese, French, Russian, Spanish, Portuguese). The resource kit also includes the IPCS health and safety guide. Furthermore, guidance materials on vulnerable groups will be made available and disseminated as part of the current TA plan.
2. Actions to improve information-exchange between Parties and the Secretariat and between Parties				
320	Improve information-exchange	– Norway (PA-4) proposes to strengthen the information exchange under the Convention, including by exploring new ways for information exchange among parties in line with article 14 (e.g. workshops, websites, etc.) for Parties to share information (open data, databases, tools, etc.) supporting implementation at the national level. – Panama (PA-1) suggests improving the information-exchange between the Parties and the Secretariat and between Parties by establishing regional networks for information-exchange. These would	– Little real-time information-exchange between Parties and the Secretariat and between Parties – Lack of online platform to submit national information. The use of	Implementation by individual Parties under Article 14.1 ²⁶⁷ of the Convention. Activities to assist Parties in improving information-exchange could be implemented in the context of the development of the clearing-house mechanism for information exchange. Implementation by individual Parties under Articles 14.1 ²⁶⁸ and 15.3 ²⁶⁹ of the Convention. Activities to assist Parties in improving information-exchange could be implemented in the context of the development of the clearing-house mechanism for information exchange.

²⁶⁵ See footnote 30.

²⁶⁶ See footnote 7.

²⁶⁷ See footnote 30.

²⁶⁸ See footnote 30.

²⁶⁹ See footnote 19.

Commented [A56]: We find this relevant, however it could be specified what kind of information would be exchanged.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<p>directly communicate with the Secretariat and other regional networks.</p> <ul style="list-style-type: none"> Costa Rica (PA-2) proposes the organization of regional meetings of DNAs and OCPs on the implementation of the Convention. The EU and its member States (PA-1) propose enhancing the implementation of the Convention by improving information exchange on chemicals that are listed or recommended for listing, such as information on FRAs to ban or severely restrict chemicals, including risk evaluations of Parties carried out in the context of FRA notifications and export notifications. 	<p>regular channels for information transmission delays access to that information</p> <ul style="list-style-type: none"> Different opinions on the implementation of the Convention 	<p>Implementation by individual Parties under Article 15.3²⁷⁰ of the Convention.</p> <p>The organization of regional meetings could also be part of the implementation of the TA plan.</p> <p>Implementation by individual Parties under Articles 14.1²⁷¹ of the Convention.</p> <p>Activities to assist Parties in improving information-exchange could be implemented in the context of the development of the clearing-house mechanism for information exchange.</p>
321	Ensure that information from Parties is sought proactively	<ul style="list-style-type: none"> Venezuela (PA-2) proposes that the Secretariat proactively approaches Parties (i.e. send comments) before submission deadlines expire, in particular to address doubts on how to fill in forms, including by establishing unified criteria for completion and evaluation of the forms, and to ensure timely update of contact information for OCPs and DNAs. 	<ul style="list-style-type: none"> Lack of technical assistance to establish unified criteria for completing the forms (Venezuela) Lack of awareness on the restrictions pertaining to the notification of updates of contact information(Venezuela) 	<p>Implementation through the Secretariat.</p> <p><i>Note: Available guidance includes the Guidance to complete the form for notification for FRAs to ban or severely restrict a chemical (English).</i></p>
322	Improve availability of information on chemicals management systems in developed countries	<ul style="list-style-type: none"> Kuwait (PA-3) proposes dissemination of detailed information on how developed countries deal with the various aspects of chemicals management, including exports and imports of chemicals. 	<ul style="list-style-type: none"> Lack of examples, reports and presentation on those countries (Kuwait) 	<p>Implementation by individual Parties under Articles 14.1²⁷² and 16²⁷³ of the Convention.</p> <p>Additional measures to improve the dissemination of such information could be implemented in the context of the development of the clearing-house mechanism for information exchange.</p>

Commented [A57]: Colombia considers that this suggestion is very useful and relevant. In addition, it could be also envisaged an exchange of experiences on how to achieve inter-institutional coordination to nationally discuss and decide on the possible substances to be listed, involving all the national relevant actors.

²⁷⁰ See footnote 19.

²⁷¹ See footnote 30.

²⁷² See footnote 30.

²⁷³ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
323	Develop an online library to facilitate access to scientific studies on risks associated with chemicals	– Venezuela (PA-1) suggests improving information-exchange mechanism, by creating an online library to provide easy access to scientific studies on risks associated with chemicals subject to international trade.	– Lack of server capacity to include high number of digital documents (Venezuela)	Could be implemented in the context of the development of the clearing-house mechanism for information exchange.
324	Improve information on alternatives to candidate chemicals or listed chemicals	<p>– Bahrain (PA-2) proposes measures to improve information on alternatives.</p> <p>– Canada (PA-1) suggests sharing information, preferably collected from Parties, on alternatives to substances recommended for listing. Canada sees value in the continued and further use of Article 14, to share information. Parties could also be encouraged to share information on alternatives to substances recommended for listing.</p> <p>– The EU and its member States (PA-1) propose enhancing the implementation of the Convention by improving information exchange on alternatives to chemicals that are listed or recommended for listing.</p> <p>– Peru (PA-4) suggests establishing a list of alternatives for Annex III chemicals and chemicals that are candidates for inclusion in Annex III and to disseminate the information through different channels (national and regional workshops, written communications to involved authorities, etc.).</p> <p>– Jordan (PA-3) suggests providing safer and economical alternatives to the chemicals listed in Annex III.</p>	<p>– Identification of available alternatives and evaluation of their relative costs and efficacy (Canada)</p> <p>– The lack of information on technically and economically viable alternatives represents a challenge for regulatory authorities to adopt an FRA (Peru)</p> <p>– Lack of alternatives to listed chemicals that could be used locally (Jordan)</p>	<p>Implementation by individual Parties under Articles 14.1²⁷⁴ and 15.2²⁷⁵ of the Convention, for example in combination with a COP decision mandating the Secretariat to solicit and consolidate information on alternatives from Parties.</p> <p>As alternatives could potentially be as dangerous, or even more dangerous, than listed chemicals, the COP might need to consider mechanisms to evaluate proposed alternatives.²⁷⁶</p> <p><i>Note: Information on alternatives is included in DGDs. Given that available alternatives constantly evolve, the working paper on preparing internal proposals and decision guidance documents for banned or severely restricted chemicals, as well as the working paper on preparing internal proposals and decision guidance documents for severely hazardous pesticide formulations²⁷⁷ propose to include sources of information rather than a list of specific recommendations in the DGDs and to provide updated references to additional sources of information on the Rotterdam Convention website.</i></p> <p>The focus of the Convention is information-exchange rather than development of alternatives.</p>

²⁷⁴ See footnote 30.

²⁷⁵ See footnote 7.

²⁷⁶ In the case of the Stockholm Convention, the COP has tasked the POPRC to evaluate the alternative to avoid recommending potentially (more) dangerous chemicals.

²⁷⁷ Both working papers are set out in the Handbook of working procedure and policy guidance for the CRC (English) available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.

Commented [A58]: It is relevant that alternatives are well known, in a language that could be accessible for the industries.

Commented [A59]: We consider the Parties in this section are not suggesting that the Convention itself should provide alternatives, but that information-exchange should include alternatives that are being used in some countries.

It should be also considered that it refers to information that is crucial for implementing FRA in many cases.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
3. Actions to determine and address non-compliance with the provisions of the Convention				
330	Adopt a compliance mechanism	<ul style="list-style-type: none"> Canada (PA-3) proposes the adoption of a facilitative compliance mechanism. The mechanism would allow for discussion of individual challenges and more systemic problems and lead to a better understanding of the Convention's effectiveness. The adoption could proceed on the text agreed at COP 7. Switzerland (PA-2) proposes that the COP adopt a compliance procedure. 	<ul style="list-style-type: none"> Lack of compliance information and thus difficulties to evaluate the effectiveness of the different aspects of the Convention (Canada) 	Implementation through the adoption of a compliance mechanism under Article 17 of the Rotterdam Convention. The process involves a COP decision approving the procedure and/or institutional mechanism for determining non-compliance.
331	Adopt a compliance mechanism to address cases of illegal traffic	<ul style="list-style-type: none"> Sri Lanka (PA-4) proposes the establishment of a compliance mechanism to address cases of illegal traffic, such as exports under false HS codes. 	<ul style="list-style-type: none"> Lack of compliance mechanism to prevent illegal transports (Sri Lanka) 	Implementation through the adoption of a compliance mechanism under Article 17 of the Rotterdam Convention. The process involves a COP decision approving the procedure and/or institutional mechanism for determining non-compliance.
332	Establish tools to measures compliance	<ul style="list-style-type: none"> Panama (PA-2) proposes establishing tools to measure Parties' compliance with their obligations under the Convention, to better allocate available funding. 	<ul style="list-style-type: none"> Lack of compromise at the political and technical level (Panama) 	Implementation through the adoption of a compliance mechanism under Article 17 of the Rotterdam Convention. The process involves a COP decision approving the procedure and/or institutional mechanism for determining non-compliance.
4. Actions to improve Parties' adoption of national action plans (NAP)				
340	Assist with the development of national action plans	<ul style="list-style-type: none"> Uganda (PA-1) proposes the development of a national action plan or strategy for the implementation of the Rotterdam Convention. Yemen (PA-4) proposes the development of guidance on the identification of elements of NAPs in all 	<ul style="list-style-type: none"> Lack of national action plan or strategy for the implementation (Uganda) Lack of guidance on NAPs in all six languages(Yemen) 	<p>Implementation by individual Parties under Articles 15.1²⁷⁸ and 16²⁷⁹ of the Convention.</p> <p>Activities to assist Parties in developing NAPs could also be part of and the TA plan, or involve the development/updating of guidance.</p> <p>Could potentially be included in the mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330).</p> <p>Implementation through a COP decision mandating the development/updating of guidance, which could be part of the implementation of the TA plan.</p>

²⁷⁸ See footnote 16.

²⁷⁹ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		six languages, including the availability of assistance to implement those plans in all languages. National and subregional meetings should be convened and technical assistance provided in all languages.		
5. Actions to improve Parties' enactment of legislation implementing the Convention				
350	Assist with the development of implementing legislation	<ul style="list-style-type: none"> – Afghanistan (PA-1) identifies the development of secondary legislation and regulations on the sound management of chemicals as a national priority action for the enhancement of the effectiveness of the Convention. This involves the review of existing frameworks against international obligations as well as drafting legislation, where gaps were identified (e.g. PIC procedure). – The Democratic Republic (PA-1) of the Congo proposes that developing countries and countries with economies in transition receive financial assistance to develop and build awareness of legal frameworks and regulatory and administrative measures to implement the Convention. – The former Yugoslav Republic of Macedonia (PA-3) identifies the need for a gap analysis of existing legislation chemicals and pesticides against the obligations of the Rotterdam Convention. 	<ul style="list-style-type: none"> – Lack of information on required regulatory steps to ensure that the risks associated with chemicals are properly addressed (Afghanistan) – Lack of capacity for policy making and regulatory action (Afghanistan) – Lack of information on the current chemicals situation (Afghanistan) – Overlapping legislation on pesticides and industrial chemicals (The former Yugoslav Republic of Macedonia) 	<p>Implementation by individual Parties under Articles 15.1²⁸⁰ and 16²⁸¹ of the Convention.</p> <p>Activities to assist Parties with the development of implementing legislation could be part of the implementation of the TA plan, or involve the development/updating of guidance based on a COP decision.</p> <p>Could potentially be included in the general review mandate of the compliance committee proposed to be established in terms of Article 17 (see PA 330).</p> <p><i>Note:</i> Available guidance materials include the Guide on the Development of National Laws (Arabic, Chinese, English, French, Russian, Spanish) and three legal case studies on implementation (Arabic, Chinese, English, French, Russian, Spanish). Furthermore, decision RC-8/14 requested the Secretariat to support Parties, upon request and within available resources, on matters pertaining to the implementation and enforcement of the provisions aimed at controlling the export and import of chemicals, including the development and updating of national legislation or other measures, and to develop examples of the integration of the provisions of the Basel, Rotterdam and Stockholm conventions into national legal frameworks and to organize training activities, subject to the availability of resources and in collaboration with partners, to assist Parties, particularly developing-country Parties and Parties with economies in transition, in the development of national legislation and other measures to implement and enforce the provisions of the convention aimed at controlling the export and import of chemicals and wastes covered under the conventions.</p>

²⁸⁰ See footnote 16.

²⁸¹ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
6. Actions to strengthen Parties' institutions for national implementation				
360	Establishment of specialist unit for chemicals to translate international obligations into national-level action	– Afghanistan (PA-2) proposes the establishment of national specialists units for chemicals and waste management similar to those that had been established for ozone-depleting substances and climate finance, to provide targeted efforts on translating international commitments and obligations into national-level actions (e.g. data collection, inter-ministerial coordination, GIS database, work plans).	<ul style="list-style-type: none"> – Lack of information on safety and socio-economic aspects of the use of chemicals (Afghanistan) – Lack of information chemical properties and risks (Afghanistan) – Lack of information on risk management and worker safety (Afghanistan) – Unavailability of information to downstream, government authorities and the general public (Afghanistan) – Lack of expertise on diagnosis of chemicals illness due to exposure (Afghanistan) – Lack of technical expertise for chemicals management (Afghanistan) 	<p>The establishment of such units is not a requirement under the Rotterdam Convention. However, Article 15.1²⁸² of the Convention requires Parties to take such measures as necessary to establish and strengthen national infrastructure and institution for the effective implementation of the Convention.</p> <p>Activities to assist Parties in building institutional capacity could also be part of the implementation of the TA plan.</p> <p><i>Note:</i> The Special Programme²⁸³ on Chemicals and Waste aims to strengthen national institutions and to promote the mainstreaming of the sound management of chemicals and waste. Key activities supported by the programme provide countries to advance institutional capacity for the implementation of the Basel, Rotterdam and Stockholm Conventions, the Minamata Convention and SAICM.</p>

²⁸² See footnote 16.

²⁸³ See <http://web.unep.org/chemicalsandwaste/special-programme>

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
361	Improve coordination between government authorities and stakeholders involved in the implementation	<ul style="list-style-type: none"> – Jordan (PA-2) proposes measures to strengthen national coordination to the effect that hazard and risk assessments of priority chemicals lead to decision-making on whether to ban or restrict those chemicals. – The former Yugoslav Republic of Macedonia (PA-1) identifies the need for the development of procedures or mechanisms for inter-institutional interaction and communication among the public and private sectors, academia and decision-makers. – The former Yugoslav Republic of Macedonia (PA-2) suggests establishing strong and sustainable communication systems between OCPs and DNAs. – The former Yugoslav Republic of Macedonia (PA-4) suggests organizing joint activities with all stakeholders for a better implementation of the main Convention provisions. – Uganda (PA-1) proposes measures to foster sectoral cooperation among the stakeholders in the implementation process. 	<ul style="list-style-type: none"> – Weak communication between the OCP and the local DNAs (Jordan) – Lack of communication between the many institutions involved in the implementation of the Convention (The former Yugoslav Republic of Macedonia) – Lack of strong and sustainable communication system among the different DNAs: The Ministry of Environment and Physical Planning (DNA for implementation in general), the Ministry of Agriculture (DNA for pesticides), and the Ministry of Health (DNA for industrial chemicals) (The former Yugoslav Republic of Macedonia) – Lack of understanding of weaknesses and opportunities in the implementation of the Convention and information-exchange between stakeholders (The former Yugoslav Republic of Macedonia) – Inadequate inter-Ministerial coordination and collaboration on implementation processes (Uganda) 	<p>Implementation by individual Parties under Articles 15.1²⁸⁴ of the Convention.</p> <p>Activities to assist Parties in improving institutional coordination could also be part of the TA plan.</p>

Commented [A60]: We agree that this could be a challenge for developing countries, and has an impact in implementation and compliance.

7. Actions to improve the availability of technical assistance and capacity-building in general

370	Translate the electronic resource kit into all UN languages	<ul style="list-style-type: none"> – Yemen (PA-1) proposes the development of an electronic resource kit to promote ratification and implementation in all six official UN languages. The toolkit should be regularly updated on and complemented with new documents, taking into account the experience of Parties. As many documents as possible should be made available in all languages. 	<ul style="list-style-type: none"> – The resource kit is not fully available in all six languages (Yemen) 	<p>Implementation through translation of tools or guidance, which could be part of the implementation of the TA plan.</p>
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²⁸⁴ See footnote 16.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
371	Train national officers in writing notifications and other submissions required under the Convention	– Kuwait (PA-1) proposes training in writing reports for all aspects of the Convention.	– Lack of understanding how reports must be written for different aspects of the Convention and whether there is an official formula that should be followed (Kuwait)	Implementation by individual Parties under Articles 15.1 ²⁸⁵ and 16 ²⁸⁶ of the Convention. Activities to assist Parties in writing notifications could also be part of the implementation of the TA plan.
372	Improve Parties capacity to control risks associated with chemicals	– Peru (PA-5) proposes the development of guidelines to identify, evaluate and control the risks associated with highly hazardous pesticides to help developing countries and countries with economies in transition to take action in pursuit of the 2020 goal. – Afghanistan (PA-5) suggests actions to better protect persons handling chemicals and pesticides (protective equipment, analytical capacity, training), including ensure environmentally sound management of clinical wastes and establish expired pesticide stores.	– Lack guidance on managing risks associated with registered highly hazardous pesticides according to national circumstances (Peru) – Lack of information on plant protection regulations (Afghanistan) – Lack of emergency plans for chemical disasters (Afghanistan) – Lack of information on measures to reduce exposure and emissions (Afghanistan) – Lack of information on appropriate technology (Afghanistan)	Implementation by individual Parties under Articles 15.2 ²⁸⁷ and 16 ²⁸⁸ of the Convention. Activities to assist Parties in controlling risks associated with chemicals could also be part of the TA plan.
373	Provide capacity-building and technical assistance	– The EU and its member States (PA-1) suggest enhancing the implementation of the Convention by improving Parties' capacity to properly implement and fully participate in the Convention processes (participation in CRC, submission and notification of FRAs, adoption of import responses) and to implement chemicals management measures, including the capacity to use internationally available data on chemicals and conduct risk evaluations.	– Lack of information on the main difficulties of Parties in implementing the Convention (EU and its member States) – Lack of information on the main capacity gaps of Parties (EU and its member States) – Lack of information on the main information gaps of Parties (EU and its member States)	Implementation by individual Parties under Articles 15.1 ²⁸⁹ and 16 ²⁹⁰ of the Convention. Activities to assist Parties in developing national capacity for chemicals management could also be part of the implementation of the TA plan, and/or implemented in the context of the development of the clearing-house mechanism for information exchange (e.g. Yemen, PA-2 (d)).

²⁸⁵ See footnote 16.

²⁸⁶ See footnote 8.

²⁸⁷ See footnote 7.

²⁸⁸ See footnote 8.

²⁸⁹ See footnote 16.

²⁹⁰ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> – Jordan (PA-1) proposes technical assistance and capacity-building for the implementation of the Convention, such as programs for scientific and technical training of personnel, including customs personnel. – Norway (PA-2) proposes that options that help improve the effectiveness of the Convention and at the same time assist Parties in implementing the Convention should be prioritized. It is important to strengthen Parties' capacity for submission FRAs and listing proposal for SHPFs, as well as import responses. Norway suggests that technical assistance programs take into consideration the needs of developing countries identified in UNEP/FAO/RC/COP.8/INF/25 and other documents under agenda item 5(a) considered at COP8. – Sri Lanka (PA-2) identifies the need for more technical assistance and capacity building to address a number of challenges at the national level, such as the limited risk assessment skills and capacity, insufficient mechanisms to effectively control the influx of chemicals, absence of proper regulatory mechanisms, poor awareness on hazards associated with chemicals, insufficient cooperation among stakeholder, and insufficient monitoring of health and environmental impacts. – Bahrain (PA-5) proposes an increase in capacity building activities. – Uganda (PA-2) proposes actions to increase the Parties' in-country technical capacity to meet the Convention obligations, such as the consolidation of a data on listed industrial chemicals with outstanding import responses, the consolidation of data on the status of chemicals (usage, manufacture, formulation 	<ul style="list-style-type: none"> – Lack of information on best approaches to address those gaps(EU and its member States) – Lack of technical capabilities and laboratory equipment (Jordan) – Weak monitoring capacity (practical, analytical and technical) for chemicals of concern (Jordan) – Lack of technical assistance and capacity building (Sri Lanka) – Lack of financial mechanism to provide support to developing countries (Bahrain) – Lack of database on Rotterdam Convention chemicals used in the country (Uganda) – Inadequate technical capacity to implement the Rotterdam Convention (Uganda) – Inadequate infrastructure to support implementation processes (Uganda) – Increased efforts to provide financial resources for technical assistance activities and projects aimed at improving national chemicals management capacity (Venezuela) – Lack of availability of awareness trainings in all six languages (Yemen) – Lack of availability of trainings, information and documents in all six languages (Yemen) 	

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<p>and import), the establishment of mechanisms for interaction between ministries, the public and private sectors, academia and decision-makers, measures to overcome capacity constrains in the government, the collection of technical information for decision-making on pesticides and industrial chemicals, and the establishment of an effective infrastructure to monitor chemicals and pesticide poisoning.</p> <ul style="list-style-type: none"> – Venezuela (PA-3) proposes improved technical and financial assistance for the safe management of chemicals that are subject to international trade. Assistance could be directed towards technical training to strengthen the institutional capacity of laboratories and Customs and risk analyses for chemicals at the national level, taking into account the bio-physical aspects of the country. – Yemen (PA-2) suggests promoting technical assistance for the development of infrastructure and capacity for chemicals management: <ul style="list-style-type: none"> • Parties with more advanced chemical programmes should provide technical assistance, including training, to other Parties that are developing their infrastructure and capacity. • Trainings and awareness-raising meetings should be organized for new Parties and Parties experiencing difficulties in meeting their obligations under the Convention. • Training programs and information documents should be made available in all six languages. • A platform for information-sharing about national regulatory decisions 		

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
374	Promote technology transfer to developing countries	<p>on chemicals and pesticides should be made available in all six languages.</p> <ul style="list-style-type: none"> – Panama (PA-1) suggests promoting technology transfer from developed countries to developing countries, to improve risk evaluations, chemical analyses and chemicals management systems. – Uganda (PA-4) highlights the need for increased technology transfer and the problem of limited research capacity. Inadequate infrastructure and facilities for research affect the capacity of relevant institutions to conduct research on chemicals. In addition, the government's policy to scale down expenditure to achieve macroeconomic stability has affected the availability of researchers. Finally, the poor research-extension linkage and weak mechanisms for technology dissemination have led to limited application of research findings. 	<ul style="list-style-type: none"> – Lack exchange on information and standards pertaining to tools and technologies (Panama) – Inadequate infrastructure and facilities for research on MEA issues (Uganda) – Low technology transfer (Uganda) – Insufficient research on MEA issues (Uganda) 	Implementation by individual Parties under Article 16 ²⁹¹ of the Convention, for example, in combination with a COP decision encouraging BCRC/SCRCs to take measures to promote technology transfer.
8. Actions to improve the availability of funding for national implementation				
380	Establish sustainable financial mechanism	<ul style="list-style-type: none"> – Ecuador (PA-3) proposes the establishment of a predictable and adequately resourced financial mechanism, with sufficient new and additional funds to allow developing countries and countries with economies in transition to comply with the obligations under the Convention. – The Democratic Republic of the Congo (PA-2) proposes that DNAs receive financial support to monitor chemicals and pesticide poisonings and cooperate with the Secretariat on the notification of FRAs. 	<ul style="list-style-type: none"> – Existing financial mechanisms cover some chemicals conventions, but not the implementation of the Rotterdam Convention (Ecuador) 	<p>Implementation by individual Parties contributing the Special Voluntary Trust Fund for the Rotterdam Convention.</p> <p>The COP could also consider revisiting its decision RC-7/8 on the implementation of the integrated approach to financing.</p> <p>As the Rotterdam Convention does not provide for a financial mechanism, the establishment of a financial mechanism would require amending the Convention²⁹²</p> <p>Establishing a new Rotterdam Convention mechanism with compulsory contributions or providing for an obligation on developed Parties and Parties with more advanced chemical programmes to provide financial assistance (e.g.</p>

²⁹¹ See footnote 8.

²⁹² See, for example, the amendment to Article 16 of the Convention proposed at COP-8. The text of the proposed amendment is available in document UNEP/FAO/RC/COP.8/16/Add.1.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
381	Raise awareness on existing financial mechanisms	<ul style="list-style-type: none"> – The EU and its member States (PA-1) suggest enhancing the implementation of the Convention by improving awareness on the integrated approach to financing sound management of chemicals and wastes (UNEP), including the special programme to support developing countries and countries with economies in transition in strengthening institutional capacity for the implementation of, among others, the Rotterdam Convention, as well as the joint Technical Assistance Programme managed by the Secretariat. 		<p>through existing mechanisms) requires a COP decision amending the Convention text.</p> <p>The amendment would enter into force after ratification, acceptance or approval by at least three-fourth of the Parties. Only Parties that have ratified/accepted/approved the amendment will be bound by it. All other Parties would continue to be bound by the original Convention text which does not include a binding obligation on developed Parties and Parties with advanced chemical programmes to provide financial assistance.</p> <p><i>Note:</i> The Secretariat has conducted two studies on possible options for lasting and sustainable financial mechanisms, available in UNEP/FAO/RC/COP.2/10 and UNEP/FAO/RC/COP.3/13.</p> <p>Implementation through public awareness activities and materials.</p>
382	Establish a mechanism to help formulate project submissions	<ul style="list-style-type: none"> – Honduras (PA-2) proposes the establishment of a mechanism to assist with formulating national and regional projects aimed at ensuring an effective application of the Convention. – Uganda (PA-5) highlights the need to address the lack of funding for the implementation of the Rotterdam Convention, including by ensuring that development partners fulfil their financial commitments to implement programs and projects for the development of sound chemicals management capacity. In Uganda chemicals management is not a high priority in government expenses. Furthermore, relevant sectors experienced difficulties in 	<ul style="list-style-type: none"> – Need for support for the formulation of national projects to implement the Convention and new amendments (for funding purposes) – Lack of funding to ensure sound chemicals management (Uganda) 	Implementation through the TA plan.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		preparing timely and acceptable proposals in accordance with guidelines provided by funding agencies.		
	9. Actions to improve synergies with the Basel and Stockholm Conventions			
³⁹⁰	Organize joint activities to enhance the cooperation and coordination among the three conventions	– The former Yugoslav Republic of Macedonia (PA-5) proposes the organization of joint activities to enhance cooperation and coordination between the Basel, Rotterdam and Stockholm Conventions at the national, regional and international level.	– Lack of joint activities to share experience on synergies at the national, regional and international level (The former Yugoslav Republic of Macedonia)	Implementation through a COP decision.

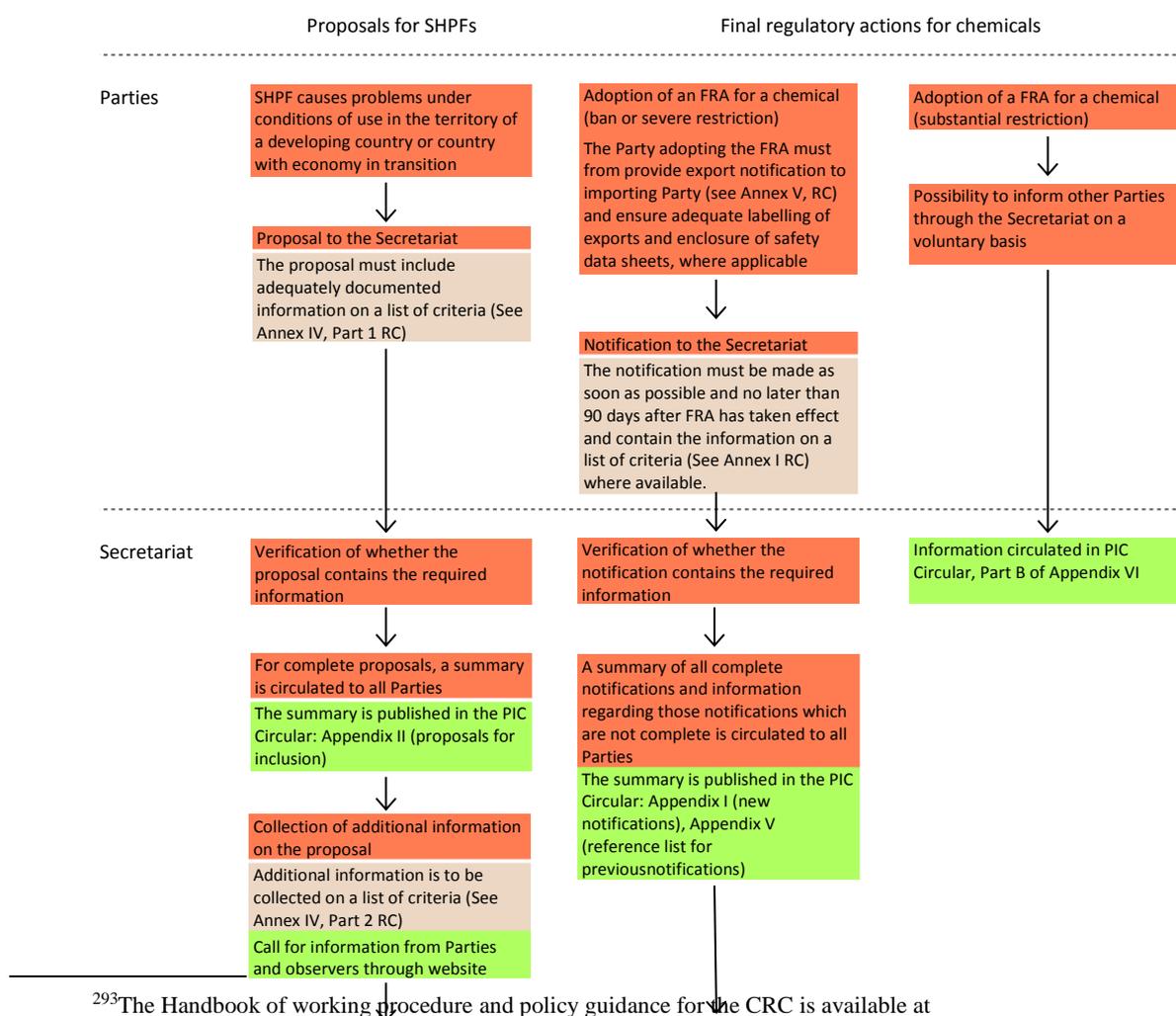
Appendix

Procedural steps of the listing process and prior informed consent procedure under the Rotterdam Convention

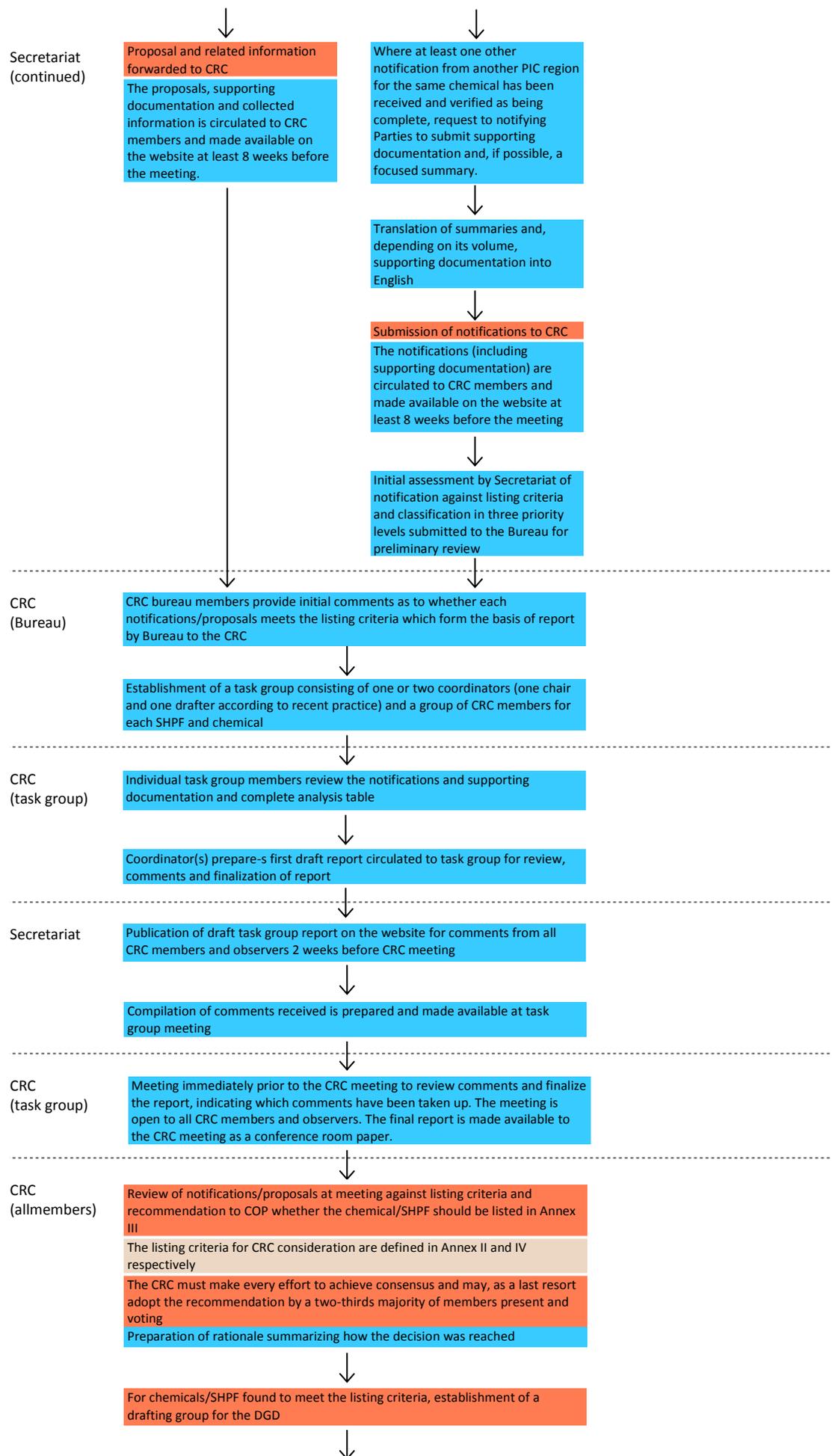
The following diagram provides an overview on the main steps of the process for listing chemicals in Annex III and the prior informed consent procedure of the Rotterdam Convention. Each step is highlighted in a colour that indicates the basis for the described action, which also allows conclusion about the required steps to amend that step:

(a)	Steps highlighted in orange have their source in the Convention text;
(b)	Steps highlighted in brown have their source in the text of an Annex to the Convention;
(c)	Steps highlighted in yellow have their source in the rules of procedure of the COP (See decision RC-1/1);
(d)	Steps highlighted in pink have their source in the terms of reference (ToR) of the CRC (See decision RC-1/6);
(e)	Steps highlighted in blue have their source in the CRC Handbook ²⁹³ ;
(f)	Steps highlighted in green have their source in internal practice of the Secretariat.

Diagram – Procedural steps of the listing process and PIC procedure under the Rotterdam Convention



²⁹³The Handbook of working procedure and policy guidance for the CRC is available at <http://www.pic.int/TheConvention/ChemicalReviewCommittee/Guidance/tabid/1060/language/en-US/Default.aspx>.







Parties

Communicate to and ensure compliance by exporters with import decisions no later than 6 months after their circulation by Secretariat	Ensure compliance with export restrictions in cases where the importing country has not submitted a response	Ensure adequate labelling of exported chemicals/SHPF and enclosure of safety data sheets, where applicable.	Advice and assistance to importing Parties upon request and as appropriate to obtain further information to strengthen their chemical management capacities
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Democratic Republic of the Congo

COMMENTAIRES DE LA RDCONGO SUR LES IMPLICATIONS JURIDIQUES & OPERATIONNELLES DES ACTIONS PRIORITAIRES POUR RENFORCER L'EFFICACITÉ DE LA CONVENTION DE ROTTERDAM

L'Autorité Nationale Désignée de la RDC a retenu 7 actions prioritaires qui peuvent permettre les pays en voie du développement d'être efficace dans la mise en œuvre de la Convention de Rotterdam :

1. **Améliorer les réponses des parties en matière d'importation** : Il est important que le Secrétariat de la Convention étudie de façon minutieuse comment apporter un appui logistique aux AND (lap top, connexion internet et autres Equipement de bureau) pour donner leur réponse en temps réel
2. **Améliorer l'identification des HPP** : Le Secrétariat de la Convention peut éventuellement appuyer les parties à travers la FAO pour la mise en œuvre des projets régionaux ou sous régionaux visant à identifier et éliminer les HPP
3. **Améliorer le contrôle des importations** : Les ateliers de formations des agents de douane et autres service opérant aux frontières sur l'identification des produits chimiques dangereux dans le commerce transfrontaliers ou international
4. **Appui financier aux Parties, Pays en Développement** : Afin d'élaborer des plan de communication de masse et des campagnes de sensibilisation sur l'utilisation rationnelle des produits chimiques dangereux
5. **Appui Financier aux Parties, Pays en Développement** : Dans l'élaboration des textes légaux, règlementaires ou administratifs portant sur la gestion des produits chimiques & Pesticides dangereux
6. **Appui Logistique aux AND**
7. **Encourager les actions de synergies entre les Conventions de Rotterdam, Stockholm & Bâle**
Pour renforcer l'efficacité des mises en œuvre des Conventions au plan national

Ecuador

From: Jorge Enrique Jurado Mosquera [mailto:jorge.jurado@ambiente.gob.ec]
Sent: Tuesday, April 10, 2018 7:11 PM
To: Christine Fuell (FAO) <Christine.Fuell@fao.org>; procha@cancilleria.gob.ec;
pablo.escobar@agrocalidad.gob.ec; Andrea Lechner <andrea.lechner@brsmeas.org>
Subject: Respuesta a informe del Convenio de Rotterdam

Estimados Srs.
Secretaría del Convenio de Rotterdam

Por medio del presente me permito comunicar que Ecuador a través de la Autoridad nacional designada del Convenio de Rotterdam por productos químicos industriales (DNA C), y la Autoridad nacional designada del Convenio de Rotterdam por plaguicidas (DNA P), ha realizado la revisión del documento "Report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention", determinándose que no existen observaciones que contemplen repercusiones jurídicas y operacionales de las medidas prioritarias determinadas por las Partes.

Saludos.

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Jorge Jurado
Subsecretario de Calidad Ambiental
Ministerio del Ambiente

European Union (part 1)

Report analysing the legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

The European Union and its Member States would like to thank the Secretariat for analysing the legal and operational implications of the priority actions to enhance the effectiveness of the Rotterdam Convention submitted by Parties.

The EU and its Member States note that the priority actions suggested by Parties are very diverging, ranging from implementation at national level of basic obligations under the Rotterdam Convention to amendments of the Convention. The majority of priority actions address shortcomings in implementation at national level and call for more technical assistance and improved information exchange. Some submissions also refer to the need of Parties to improve their capacity in risk evaluation and the use of internationally available information for their national decision-making. This is in particular important for developing countries since the proper use of international information for national risk evaluation could help optimising the use of resources and improve the scientific basis of decision-making.

Since many of these actions are already addressed in one way or the other, for example through technical assistance activities carried out by the Secretariat or through information exchange via the Convention website (e.g. the clearing house), including the various training materials that are already available, it is in our view very important to ensure that available resources are used in the most efficient way and to avoid any duplication of work.

Therefore, we suggest that the Secretariat should be requested to analyse those priority actions suggested by Parties that refer to implementation shortcomings with a view of identifying those gaps that could be addressed through technical assistance, training, including online training through webinars, or information exchange via the Convention website (e.g. resource kit, clearing house). In addition, the Secretariat should propose actions that address those gaps, including information on the potential costs of those actions in order to inform the discussions at the next Conference of the Parties. The next Conference of the Parties may wish to consider those actions when deciding on the technical assistance plan and the programme of work and budget.

The EU and its Member States notice that a few priority actions relate to the work of the Chemical Review Committee (CRC), in particular the transparency of the work, the involvement of Parties in the work and the content of documents produced. In our view, the processes applied by the CRC are fully in line with the mandate of the CRC, are transparent and all stakeholders have the possibility to contribute. Therefore, we do not see the need for any changes. As regards the content of the documents produced by the CRC, in particular the Draft Decision Guidance Document (DGD), we would like to remind the purpose of the DGD, which is to reflect the notifications of final regulatory action submitted by Parties. In addition, the DGD provides some information on the chemical at stake, originating from the notifications or from international sources. In our view, the DGD has to be seen in the context of the Rotterdam Convention, where the basis for action are the notifications submitted by Parties and where the action is an informed import decision on the trade of that chemical. The DGD is not meant to be a comprehensive scientific paper containing all available information on the chemical, its use and alternatives. Requests for such comprehensive paper may originate from a Stockholm Convention perspective, where such paper is required since the action taken at global level aims to eliminate production, use, import and export of the chemicals listed in the

Convention and thus has quite important implications for Parties, which need to be analysed before the decision on that action is taken.

Some priority actions refer to amendments of the Convention, such as an amendment of the decision-making procedure, an additional annex, an opt-out mechanism or an amendment of the content of the listing decisions, i.e. the discretion given to the COP to determine details of the listing decision. The analysis already explains the legal and operational implications of those amendments. However, we think it is of utmost importance that all Parties fully understand those consequences before entering into detailed discussions. Therefore, we suggest that the consequences should be further addressed at the intersessional workshop and that the Secretariat should prepare a detailed and clear overview of the consequences in order to ensure full transparency and to inform the discussion at the next COP.

The adoption of a compliance mechanism was mentioned by some Parties as priority action to ensure continued effectiveness of the Convention. We fully support that priority action since we see the compliance mechanism as important tool for Parties to identify gaps in implementation of the Convention, which is the basis for any activities aiming at improving implementation by addressing those gaps. In the light of the very promising work done by the contact group on compliance at COP-7, where a compromise text for a compliance mechanism was produced by the co-chairs, we would like to urge all Parties that did not agree to that text in plenary to reconsider their position in order to allow for the adoption of a compliance mechanism at COP-9. In this context, we would like to ask the Secretariat to approach those Parties that did not agree to the negotiated text in order to provide any clarifications that may be required.

One possibility to address chemicals that were recommended for listing by the CRC but not listed by the COP suggested by some Parties is a voluntary PIC procedure. Such voluntary PIC procedure would allow the vast majority of Parties to adopt the PIC procedure for the chemical at stake since the vast majority of Parties supported the listing in all cases where the COP did so far not yet reach consensus on the listing. The analysis explains that the provisions on information exchange under Article 14 allow Parties to communicate the information required for such voluntary PIC procedure to the Secretariat, who would make it available to all Parties. We see merit in analysing this option further, in particular also approaches for implementation of such voluntary procedure, since it addresses the main purpose of the Convention, i.e. the exchange of information on certain chemicals and their trade.

European Union (part 2 and part 3)

A Study on the effect of listing of chemicals in Annex III to the Rotterdam Convention

Assessment for the continued effectiveness of the Rotterdam Convention

Both documents are available at:

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

Georgia (part 1)

From: Ana Berejiani [mailto:falestras@gmail.com]

Sent: mardi 20 mars 2018 07:59

To: Christine Fuell (FAO) <Christine.Fuell@fao.org>; Andrea Lechner <andrea.lechner@brsmeas.org>

Subject: Invitation to comment on the report analysing the legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

Dear Andrea, Christine,

Hope you are doing fine, we had a governmental reorganization in Georgia, The Ministry of Environment merged with Ministry of Agriculture and now it is one institution - Ministry of Environmental Protection and Agriculture. The reorganization officialy has ended at 15 March/2018.

Our unit has increased and transformed to Waste and Chemicals Management Department, with two sub-divisions: waste management division and chemicals and hazardous waste management division.

Regarding the report you sent for comments, - Part I – Background and next steps, art. 8

The following table summarizes the level of response per region based on the number of Parties in each region:

I'd like to inform you that Georgia has submitted import responses in 2017, April and because of technical problem it didn't reach secretariat. This issue is already cleared with Mr. Gamini Manuweera and Mr. Aleksandar Mihajlovsk. I guess this should be already reflected on the website. (see comment in the attached document)

Regarding legal framework:

To meet the the requirements and procedures of Rotterdam Convention and partly Stockholm Convention, and to implement the Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals the the Decree of the Government "on Rule of Import and Export of Certain Hazardous Chemicals and Pesticides and Implementation of Prior Informed Consent Procedure" was Adopted on 13.06.2016 (Governmental decree N263).

Best regards,

Ana Berejiani

Head of Chemicals and Hazardous Waste Management Division
Waste and Chemicals Management Department
Ministry of Environmental Protection and Agriculture of Georgia
6 M. Gelovani Ave. 0159 Tbilisi, Georgia
Mob : +(995 593) 948 617
E-mail: a.berejiani@moe.gov.ge
falestras@gmail.com

Georgia (part 2)

Georgia has joined the **Rotterdam Convention** on 1st of December 2006. The Ministry of Environmental Protection and Agriculture is responsible authority for implementation of the Rotterdam Convention in Georgia and The LEPL National Food Agency (NFA) of the Ministry of Environmental Protection and Agriculture – is a DNA of Rotterdam Convention (for Pesticides) from 2012-present as a pesticides registration and control entity in the country.

The country is well aware of the importance of convention and pays great attention to the implementation of RC in the country.

Pesticides listed under the Annex III of the Convention has not been registered by the agriculture sector for agrarian use since 2006. Georgia fully recognizes and trusts the criteria set by the Secretariat for the hazardous chemical substances with regard to their negative impact on human health and environment targets. It should be noted that in 2016 entered into force the Governmental Decree N 263 “on Rule of Import and Export of Certain hazardous Chemicals and Pesticides and Implementation of Prior Informed Consent Procedure” (13.06.2016). The rule is accompanied by a list of banned and severely restricted substances, which fully covers the RC Annex III substances.

However, Factors and barriers hampering the implementation of RC are also defined: the existing international policy framework for chemicals is not completely adequate; Implementation of established international policies is uneven; coherence and synergies between existing institutions and processes are not fully developed and should be improved; there is often limited information on many chemicals currently in use. One of the challenges that will be faced by a country with economy in transition is to obtain access to the considerable financial and other resources needed to achieve the sound management of chemicals..

The main indicators to measure the success of the strategy: risk reduction related to human health (including workers) and environment throughout the life- cycle of pesticides.

For achieving above-mentioned objectives it is important to involve all relevant sectors and stakeholders, to bridge the gap between developed countries on the one hand and developing countries and countries with economies in transition on the other, capacity-building and technical assistance in relation to implementation of the RC .

Link to part 2 and 3 of comments:

Ghana

From: Sam Adu-Kumi [mailto:adukumisam@yahoo.com]

Sent: vendredi 6 avril 2018 18:26

To: Andrea Lechner <andrea.lechner@brsmeas.org>; Christine Fuell (FAO) <Christine.Fuell@fao.org>

Cc: Sam Adu-Kumi <sam.adu-kumi@epa.gov.gh>; Sam Adu-Kumi <adukumisam@yahoo.com>

Subject: RE:REMINDER: Invitation to comment on the report analysing the legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

Dear Andrea and Christina,

I write in respect of the above invitation.

1. Ghana would like to thank the Secretariat of the Rotterdam Convention for the great work done
2. Ghana finds the comments by various Parties to the Rotterdam Convention very useful, interesting and legitimate.
3. Overall, the useful comments show the readiness/preparedness of Parties to effectiveness implement the Convention in their respective countries which is very encouraging.
4. Many of the comments border on proposal of amendments to ensure the effectiveness implementation of the Convention. This in Ghana's view supports the Africa's position which has been already articulated to amend certain articles of the Convention. Ghana will readily support amendments of relevant articles of the Convention to ensure its effective implementation.
5. Other comments border on synergies with other international agreements and bodies with requisite capacities to support the Rotterdam Convention at the national and international levels. Ghana supports the pursuit of such synergies.
6. Finally the Special programme, in Ghana's view, if fully supported with funding will strengthen the BRS and Minamata, and SAICM implementation.

Best regards,

Sam.

India

Comments on priority actions to enhance the effectiveness of the Rotterdam Convention

The exercise of enhancing effectiveness of the Rotterdam is a welcome step and the efforts made by Secretariat are highly appreciated. The Ministry has thoroughly examined the document and noted the comments provided by various countries. Based on critical evaluation, following is submitted;

Category A: Listing Procedure

1. Actions to improve adoption of Final Regulatory Actions (FRAs)

- The FRAs submitted by various countries at times do not satisfy the criteria mentioned in Annex II or Annex IV. The FRAs are submitted by many countries in the form of the notification/ regulation/ rules with a view to regulate particular chemical and not as per the requirements of the convention. Hence, there is a need of Technical assistance from Secretariat to the member countries so that quality of FRAs be improved that may ultimately help in decision making.
- The suggestions made by countries such as China on the need of a guidance document w.r.t. using bridging information for risk evaluations, methodologies for risk evaluation etc. are important and we support the same. However, training component for the same may also be included so as to have hands on experience on risk evaluation which will help in improved quality of FRAs.

2. Actions to improve the notifications of FRAs

- It has been observed in past that the trickiest component of adoption of any FRAs is risk assessment and evaluation. Countries submitting FRA often do not submit sufficient supporting information on risk evaluation criteria (b)(iii) of the Annex II. Technical assistance to the parties need to be provided either through party to party approach or through secretariat to improve the notifications.

3. Actions to improve the identification of SHPFs

- It is often observed that the criteria for SHPFs are being interpreted differently by different countries. The most common issue with SHPF is analysing the severity of the incident because of which global action is warranted. It has been deliberated during CRC-13 also and it is suggested that the severity criteria should be defined by the COP that can be accepted by all parties.

- As it is notified by developing countries only, some countries may possess limited capabilities to identify and report the SHPFs. Technical assistance should be provided through guidance documents and trainings.

4. Actions to enhance the process of drafting and adoption of recommendations and draft DGDs by the CRC

- We support the information provided in notifications used for preparation of DGDs which could be more robust in terms of addressing health and environmental impacts of the chemical of concern. Technical assistance should be provided through guidance documents and trainings so as to improve the submission of information by the parties and improve the quality of DGDs.

5. Actions to facilitate consensus finding at the COPs

- India is of the view that the text of the Convention prescribes that all other Annexure and main text of the Convention can be amended without consensus, but by obtaining 3/4th majority of parties present while voting, in favour of the amendment, if consensus cannot be achieved. *It needs to be understood that Annex III has pivotal status in terms of operations and effectiveness of the Convention and for the same reason, support of all parties are mandatory while amending the Annex III.*
- As it is mentioned in some comments that the parties need to understand that the convention do not mean to ban or restrict any chemical but calls for information exchange on its hazards. It is important to address the effectiveness of the convention in terms of benefits of listing of a chemical under the convention. *In this regard, it is suggested that it would be appropriate if a study be carried out to analyse the impacts of listing of chemical on the market.*

6. Actions to amend the decision-making process for listing of chemicals

- As suggested by several parties which calls for amending Article 22 of the convention, it is submitted that the Govt. of India is reiterating its stand taken during the COP-8 and do not support the amendment. Removing the provision of ‘requirement of consensus’ for amendment to Annex III will dilute the objective and purpose of the Convention. Article 1 of the Convention, defines objective of the Convention, in terms of shared responsibility and cooperative effort amongst parties in international trade of certain hazardous chemicals and pesticides to protect human health and environment. *In any crucial decision, leaving 25 percent of the parties will weaken the overall objective of the Convention. As support of all parties is mandatory in achieving overall objective of the Convention. Therefore, the proposed amendment is undesirable.* The proposed amendment will create a situation where there are multiple forms and shapes of the text

of the Convention and Annex III. It will create confusion in implementation of Prior Informed Consent (PIC) procedures in International Trade of Hazardous chemicals and pesticides. It will diminish the effectiveness of PIC procedures among parties.

- It is also suggested to identify whether other conventions have also confronted with similar issues and the resolutions achieved thereafter.

Category B: PIC Procedure and Category C: Overall effectiveness of the Convention

- Technical assistance should be given to developing countries and countries with economies in transition for effective PIC/information exchange.
- Periodic trainings of DNAs should be organized in each region so that the information exchange can be improved among the parties.
- Awareness raising programmes/materials should be made available for the parties/parties should be encouraged to carry out such activities with technical assistance from secretariat/other parties.
- A facilitative and non punitive compliance mechanism should be developed which will enhance the effectiveness of the convention.
- More information on alternative chemicals should be provided to the countries.

Iraq

Cannot request the States parties to implement the Convention or increase their effectiveness at the same time do not have some countries the scientific and technical background and good experience to implement them in the required manner and the reason that the Convention does not have regional centers or any financial funding to enable the secretariat to provide courses and capacity building of the parties and There are no serious steps to activate work In order to synergize the development of the Convention through cooperation between the three conventions

1 – Priority Action — Description of action:

Lack of laboratory-level potential for the analysis and detection of hazardous substances from pesticides or chemicals in imported goods. Therefore, a detailed program of research on chemicals management should be conducted, which would provide the basis for future actions in this area

- Relevant information gaps:

- > Lack of information about existing materials and their negative effects
- > Lack of data and information to estimate the release of chemicals and thus develop appropriate procedures
- > Lack of information on the level of chemicals in samples such as soil, water, waste sludge and others
- > Lack of information to collect and monitor data necessary to maintain inventory of hazardous chemicals and implement policies to manage

2 – Priority Action — Description of action

Requires the Secretariat and / or Parties to increase the implementation or assistance of other Parties to the implementation of the Convention. Ways could be considered to improve Parties' understanding of their obligations with regard to the PIC procedure and the implementation of the Convention. The review of support mechanisms for developing countries and support benefits should be assessed.

- Relevant information gaps:

The ability of some Parties, especially in a few developing countries, to regulate the import and export of hazardous substances. As a result, support is required for Parties that are more focused on the PIC process to assist them in the organization and implementation of the Convention in the area of hazardous substance management.

3 – Priority Action — Description of action

Technical assistance and capacity-building for the implementation of the Convention: Development of scientific and technical training programs for staff, including customs officers and stakeholders.

- Relevant information gaps:

> Lack of potential in technical capacity and laboratory equipment.

> Lack of potential in practical analytical techniques for monitoring substances with significant interest in chemical products and pesticides.

> Lack of information and ability to analyze the current state of chemicals in the country and develop legislation

Limited expertise in chemicals management listed in the Rotterdam Convention

4 – Priority Action — Description of action

Learning from experiences of developed countries on how to implement the Convention and the management of chemicals and pesticides in all its details (export, import, notifications, etc.)

- Relevant information gaps:

A lack of examples, reports and presentations on countries with good experience in implementing the Convention.

5 – Priority Action — Description of action

The Convention Secretariat could provide training or publication on the implications of the entry of chemicals and pesticides into Annex III, because their inclusion implied a potential ban on transboundary movements of these chemicals.

- Relevant information gaps:

The main obstacle is the lack of economic resources to provide training or deployment.

In addition, some of the online materials and seminars organized by the Secretariat are available in English only

> There is no consolidated database on the state of use, manufacture, formulation and import of chemicals.

> Mechanisms for interaction between ministries, the public and private sectors, research makers and decision-makers should be established and updated.

Jordan

From: Environmental Health Directorate [mailto:cic@moh.gov.jo]
Sent: jeudi 15 février 2018 11:21
To: BRS Secretariat (No-Reply) <no-reply@brsmeas.org>; Andrea Lechner <andrea.lechner@brsmeas.org>; Christine Fuell (FAO) <Christine.Fuell@fao.org>
Subject: RE: Invitation to comment on the report analysing the legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

Dear Ms. Andrea Lechner,

Thank you for sending the report analyzing the legal and operational implications of priority actions to enhance the effectiveness of Rotterdam Convention, As requested to provide comments by 31th March, I have no comments on the report mentioned above.

Best Regards
Eng.Salah Al-Hyari

Lao People's Democratic Republic

From: Kham Phanh NANTHAVONG [mailto:kphanh@yahoo.com]

Sent: samedi 31 mars 2018 07:38

To: Andrea Lechner <andrea.lechner@brsmeas.org>

Cc: christine.fuella@fao.org

Subject: Re: REMINDER: Invitation to comment on the report analysing the legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

Dear Andrea

Sorry for reply late according to my moving to another position. On behalf of OCP of BRS to the Lao PDR, I would appreciate and agree to the report analysing the legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Conversation as supposed by BRS secretariat.

Regards,

Khamphanh NANTHAVONG

BRS OCP

Director General

Office of Cabinet

MoNRE

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Mexico

MISIÓN PERMANENTE DE MÉXICO

OGE01344

La Misión Permanente de México ante la Oficina de las Naciones Unidas y otros Organismos Internacionales con sede en Ginebra saluda muy atentamente al Secretariado del Convenio de Róterdam y tiene el honor de hacer referencia a la decisión RC8/8, en particular a la solicitud de comentarios sobre el informe que analice las repercusiones jurídicas y operacionales de las medidas prioritarias para mejorar la eficacia del Convenio.

Al respecto, la Misión Permanente transmite al Secretariado las siguientes observaciones generales de la Secretaría de Medio Ambiente y Recursos Naturales (SEMARNAT) relativas al informe mencionado:

- “Se subraya que únicamente el 32% de las Partes contestaron el cuestionario, por lo que se considera pertinente conocer los motivos por los cuales se abstuvieron de informar su opinión sobre un tema de tan alta relevancia.
- Las acciones propuestas por las Partes son por demás relevantes, dados los contenidos en el citado informe para poder establecer medidas particulares que atiendan las necesidades operativas y legales de los países para cumplir eficazmente con el Convenio, no obstante, consideramos de suma importancia realizar una priorización de las mismas, teniendo en cuenta las acciones encaminadas a:
 - Un mayor intercambio de información sobre productos químicos de uso industrial y plaguicidas que ayuden a las Partes a mitigar los riesgos que entrañan su uso para la salud y el ambiente.
 - Facilitar la inclusión de un producto químico en el Anexo III, recalando que dicha inserción no constituye una prohibición de su uso o un obstáculo al comercio internacional sino que permite a las Partes adoptar decisiones más fundamentadas y aplicar el procedimiento de Consentimiento Fundamentado Previo (CFP) para proteger la salud humana y el ambiente.
 - Considerar ampliamente la posibilidad de abrir el Comité de Examen de productos Químicos a una mayor participación de observadores y/o respaldo a la posibilidad de inclusión de una sustancia química.

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- Considerar la propuesta de reformar el artículo 22 del Convenio para permitir la flexibilidad sobre la entrada en vigor diferida de la decisión para las Partes o la posibilidad de optar por no participar en la inclusión, para lo cual es recomendable que el informe contemple información sobre las implicaciones legales y operativas de este escenario o, en su caso, fortalecer y difundir la implementación del mecanismo voluntario del CFP con respecto a productos químicos que aún no han logrado el consenso, e informar decisiones relativas a la importación de la sustancia a otras Partes utilizando las disposiciones sobre intercambio de información del artículo 14; lo anterior, con la finalidad de evitar que una mínima parte de los países invaliden la voluntad de la gran mayoría.
- Es importante que el informe que elabore el grupo de trabajo que para tal fin se conforme, de acuerdo a la decisión RC-8/8, sobre el conjunto de recomendaciones prioritarias para mejorar la eficacia del Convenio, sea presentado a las partes antes de la Novena Conferencia de las Partes (CdP), a fin de que puedan emitir comentarios con antelación y facilitar su aprobación.
- Cabe destacar la preocupación que ya ha sido expresada por varios países en diferentes sesiones de la CdP en relación con los impedimentos que se han presentado para alcanzar consensos en determinados productos químicos que han sido propuestos por el Comité de Examen de Productos Químicos al listado del Anexo III como ocurrió con el amianto de crisotilo que en las Tercera, Cuarta, Quinta, Sexta y Séptima CdP se había deliberado sobre su inclusión sin poder llegar a un consenso, pese a haber cumplido con todos los criterios, procedimientos y requisitos que exige el Convenio en su Anexo II.
- Considerando que el número de productos químicos propuestos va en aumento, es inquietante la posibilidad de que el Convenio continúe perdiendo fuerza en su eficacia si las decisiones de incluir otras sustancias siguen sufriendo demoras parecidas debido a la falta de consenso, ya que esto contraviene a los fines del Convenio, vulnerando su principio de responsabilidad compartida, además de socavar y comprometer por mucho su eficacia.

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- Se sugiere incluir un apartado donde se analice cuáles y cuántas acciones atienden aspectos locales específicos de los países y cuáles y cuántas contemplan acciones dirigidas a introducir enmiendas al Convenio y que conciernen a todos los países miembros*.

La Misión Permanente de México ante la Oficina de las Naciones Unidas y otros Organismos Internacionales con sede en Ginebra aprovecha la oportunidad para reiterar al Secretariado del Convenio de Róterdam, las seguridades de su más atenta y distinguida consideración.

Ginebra, a 10 de abril de 2018.



Al Secretariado del Convenio de Róterdam
Ginebra

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New Zealand

New Zealand comments: Report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

Improving the effectiveness of the Rotterdam Convention is a priority for New Zealand. We welcome the opportunity to comment on the Report and advise the working group established by decision RC-8/8 on its work.

We have considered the proposed actions contained in the Report which were based on the responses from a range of countries. We have highlighted what we consider are the priority actions under each heading and some comments on what needs to happen in order to realise this action.

Category A: the listing process

- Establish an expert team to assist in questions related to the submission of FRAs
 - Draft resolution to set up an expert group with membership from a range of countries, reflecting regional and gender considerations, which would operate online, via email, or an interactive web platform
 - Countries invited to nominate technical experts to participate in the panel, and experts invited from academia to contribute to the work of this group
 - Countries able to submit questions to the expert team, and answers published (with countries able to request confidentiality where needed to protect privacy or commercially sensitive information)
- Strengthen technical, scientific information in CRC recommendation by ensuring that the scientific, technical and statistical data prepared by the CRC is robust, such as by categorically documenting health and environmental effects associated with exposure to the candidate chemical
 - Draft criteria or an example of the type of information that should be included prepared to be shared as an information document with the COP
 - Countries invited to feed back on the format and usefulness of this document e.g. is it comprehensive, is it easily understood, is it scientifically robust
 - The COP could invite the CRC to use this format going forwards
 - After a set period, this approach could be reviewed by the Secretariat, including by a survey of countries and other stakeholders, to see if it has contributed to more robust CRC recommendations, and improved understanding by wider stakeholders
- There is merit in the Secretariat exploring opportunities to promote a shared understanding of the listing procedure, including prior informed consent in trade, and to raise awareness of the Convention more broadly
 - More work will be required to establish what activities (seminars, workshops, training research reports etc.) would be the most effective means to raise awareness and build and promote a shared understanding of these issues
 - The Secretariat should consider how it can work with relevant bodies to achieve this, including any opportunities for engagement with the WTO Committee on Trade and Environment
 - We encourage the Secretariat to explore these ideas further

Category B: the PIC procedure

- Explore whether the clearing-house mechanism for information exchange can address the proposed online system for managing requests for prior consents and respective answers
 - The Secretariat to prepare a feasibility study of how the clearing-house mechanism can address the need for an online system

Category C: Overall effectiveness of the Convention

- Improve availability of information on chemicals management systems in developed countries by including a technical workshop over one lunchbreak during the Conference of the Parties (so no

additional meetings are needed), where countries can present on how they deal with the various aspects of chemicals management, including exports and imports of chemicals. Additional measures to improve the dissemination of such information could be implemented in the context of the development of the clearing-house mechanism for information exchange.

- The Secretariat could organise a lunchtime or morning seminar during the Rotterdam COP
- Developed countries could be invited to present on their chemicals management more broadly, and also on their implementation of the Convention, with space on the agenda for questions and discussions
- New Zealand would be happy to present at the next COP to help take this forward
- Adopt a facilitative compliance mechanism to allow for discussion of individual challenges and more systemic problems and lead to a better understanding of the Convention's effectiveness.
 - The adoption could proceed on the text agreed at COP 7.

Note on the Secretariat's outreach with developing countries

- New Zealand urges the Secretariat to consider whether a partnership approach can help it increase the profile of the Convention, and build the capacity of its parties. Partnerships with regional environmental organisations could be leveraged to provide information, capacity building opportunities in a way that suits each region.
 - For example, the Secretariat could approach the South Pacific Regional Environment Programme (SPREP) to discuss chemicals management in the Pacific Region, and to better understand the specific needs of small island developing states in the Pacific.
 - Together, the two organisations could explore whether there are opportunities for collaboration, leveraging SPREP's regional knowledge with the Secretariat's technical expertise on the Convention
 - This could be undertaken with a range of regional organisations
 - The Secretariat could report back to the COP on its regional activities, including lessons learned which can be disseminated more broadly for wider capacity building.
 - After a set period, this approach could be reviewed by the Secretariat, including by a survey of countries, to see if it has contributed to capacity building and improved effectiveness of the Convention

Note on operation of the working group

- New Zealand agrees with the comments by Norway:

Developing countries may face unique challenges in relation to imports and exports of hazardous chemicals, the environmentally sound management of those chemicals and the implementation of the Convention. However, only a limited number of developing country Parties had participated in intersessional work leading up to the eight meeting of the Conference of the Parties. It is therefore important to consider, as part of this intersessional work process, information from a broader range of developing countries on the benefits of the Convention, as well as on actions that would make the Convention more valuable to them. If not provided in response to the survey, such information could actively be pursued, for example, through the Secretariat.
- Further we note that no small island developing states responded to the survey and recommend that the Secretariat consider ways of including their views, considering the unique challenges they may face in relation to imports and exports of hazardous chemicals, the environmentally sound management of those chemicals and the implementation of the Convention.

March 2018
Ministry for the Environment
New Zealand

Norway

From: Annike Irene Totlandsdal [mailto:Annike.Irene.Totlandsdal@mattilsynet.no]

Sent: vendredi 23 mars 2018 09:06

To: Andrea Lechner <andrea.lechner@brsmeas.org>; Christine Fuell (FAO) <Christine.Fuell@fao.org>

Cc: 'Jahre Sverre Thomas' <Sverre-Thomas.Jahre@kld.dep.no>; 'Christel Moræus Olsen' <Christel.Moraesus.Olsen@miljodir.no>; 'trine.celius@miljodir.no' <trine.celius@miljodir.no>

Subject: SV: Invitation to comment on the report analysing the legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

Dear Ms Andrea Lechner and Ms Christine Fuell,

Thank you for the report analyzing the legal and operational implications of the priority actions identified by Parties that have responded to the survey. We have noticed that all our submitted proposals have been incorporated in the report. The clustering of the proposed actions into the three main categories, as well as including the operational implications, contributes to making the table with the proposed actions more suitable for the process of identifying a set of prioritized recommendations.

We noticed one possible error on page 4 in the report (concerning the level of response), where it is stated that the Secretariat received 24 responses from Parties of the Rotterdam Convention, from 33 developed countries and 18 developing countries or countries with economies in transition. Adding up the two latter (33+18) makes 51 responses in total, which corresponds with the overall reported response rate of 32% (51/158).

With respect to the reported response rate, it could be interesting to, in addition to the overall response rate, provide the rates for developed and developing countries (or countries with economies in transition) separately. In our response to the survey, we also pointed out that only a limited number of developing country Parties, which may face unique challenges in relation to imports and exports of hazardous chemicals, participated in the 2016 Riga meeting and the intersessional work leading up to COP-8. As we think it would be important to identify actions that would make the Convention more valuable to them in the process leading up to COP-9, such information could be actively pursued e.g. by the involvement of the secretariat, if not provided in response to this questionnaire.

We have no further comments at this stage.

With kind regards,

Annike Totlandsdal

Annike Irene Totlandsdal, PhD

Senior Adviser, toxicologist

Mattilsynet / Norwegian Food Safety Authority, National Registrations Department

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Paraguay

From: fatima.alfonso@senave.gov.py [mailto:fatima.alfonso@senave.gov.py]

Sent: mardi 27 mars 2018 14:27

To: BRS Secretariat (No-Reply) <no-reply@brsmeas.org>; Andrea Lechner <andrea.lechner@brsmeas.org>; Christine Fuell (FAO) <Christine.Fuell@fao.org>

Cc: silvia.weyer <silvia.weyer@senave.gov.py>; silviaweyer <silviaweyer@gmail.com>; cesar.rivas <cesar.rivas@senave.gov.py>; derlis.cardozo <derlis.cardozo@senave.gov.py>; aracely cardozo <aracely.cardozo@senave.gov.py>; Julio Sosa <julio.sosa@senave.gov.py>; presidencia <presidencia@senave.gov.py>

Subject: Invitation to comment on the report analysing the legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

Mrs Andrea and Christine

The note received from the Secretariat of the ROTTERDAM Convention stated that at the eighth meeting of the Conference of the Parties to the Rotterdam Convention, in decision RC-8/8, the Secretariat was requested to develop an online survey to gather information on: i) priority actions to improve the effectiveness of the Convention; and ii) key information on the identified priority actions related to point (i). The Parties have responded to this survey and the results are available on the Convention website:

<http://www.pic.int/Application%C3%B3n/ImprovementoftheeffectivenessoftheConvention/Surveyin%C3%ADnea/tabid/6217/lansuaue/en-CO/Default.aspx>

In addition, the Conference requested the Secretariat to prepare a report before January 15, 2018, analyzing the legal and operational implications of the priority actions determined by the Parties. In accordance with paragraph 4 of decision RC-8/8, this report is now available to Parties and other interested parties for comments before 3 March, 2018. The report and comments received will be submitted to the consideration of a working group, composed of representatives of the Parties and open to the participation of non-Parties, which is in charge of: i) determining, on the basis of the aforementioned report and the observations received in relation to this, a set of priority recommendations to improve the effectiveness of the Convention, and ii) to prepare a report identifying new measures for consideration by the Conference of the Parties at its ninth meeting.

Parties should submit a consolidated response to the Secretariat through the official contact point of the Rotterdam Convention.

The document of 45 pages has been received in English, it has been translated in its entirety and after analyzing it, Paraguay does not find any objection to it, it is in agreement with the expressed by the countries parties.

Best regards

Ing. Agr. Fatima Alfonso
SENAVE – PARAGUAY

Philippines

From: Arnel G. Talisayon [mailto:arnel.talisayon@dfa.gov.ph]

Sent: Thursday, April 12, 2018 11:34 AM

To: Andrea Lechner <andrea.lechner@brsmeas.org>; Christine Fuell (FAO) <Christine.Fuell@fao.org>

Cc: Jheng Bayotas <jheng0503bayotas@gmail.com>

Subject: Report Analyzing the Effectiveness of the Rotterdam Convention

Dear colleagues from the Secretariat of the Rotterdam Convention,

Good morning. My name is Arnel Talisayon, First Secretary and Consul of the Philippine Mission to the UN in Geneva.

With reference to your communication dated 15 January 2018 inviting comments on the report analyzing the legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention, I respectfully wish to forward the following comments from the Philippine Department of Environment and Natural Resources:

- The Philippines agrees with the need to enhance capacity-building activities and improve information exchange through technical assistance (TA) plans and support. These are important steps to increase the capacities of developing countries like the Philippines on all three relevant areas, namely the listing process, the prior-informed-consent (PIC) procedure, and the overall effectiveness of the Convention.

- Some actions, such as improving national capacities to generate and use information on health and environmental impacts, need urgent implementation by Individual Parties. For instance, national reporting mechanisms on specific cases of health-related diseases attributable to exposure from toxic chemicals are important activities that require focus and cross-sectoral collaboration.

- Feedback mechanisms and opportunities for active participation in the Conference of Parties and other activities will help countries develop national strategies.

- The Philippines looks forward to continuing its active engagement on the issue.

The Philippine Mission hopes that these comments can still be given consideration and will greatly appreciate receiving an acknowledgment of this email.

Thank you very much!

Sincerely,

Arnel

--

Arnel G. Talisayon (Mr.)

First Secretary and Consul

Philippine Mission to the UN and Other International Organizations

Geneva, Switzerland

Russian Federation

Comments of the Russian Federation on the: “Report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention”, prepared by the BRS Secretariat (January, 2018)

According to decision of RC-8/8 of the Eighth meeting of the Conference of the Parties of the Rotterdam Convention (COP-8, RC), the report was prepared by the Secretariat, containing overview of the responses from the Parties of the Rotterdam Convention on online survey on priority actions, that could be undertaken to enhance the effectiveness of the Rotterdam Convention.

Also the Secretariat circulated information on the following documents:

“Handbook of working procedures and policy guidance for the Chemical Review Committee” prepared on March 2018 by the BRS Secretariat;

and two reports provided by European Commission:

“A Study on the effect of listing of chemicals in Annex III to the Rotterdam Convention”, Final Report (Contract No: ENV/07.0201/512.723161/ETU/A.3), October – 2017;

“Assessment for the continued effectiveness of the Rotterdam Convention”, Final Report (Contract No: ENV/07.0201/512.723161/ETU/A.3), September – 2017.

All these documents concern proposals on the solution of the main task - improving the efficiency of the work of the RC. It should be noted, that the comments of the Parties on the basis of which the Secretariat has prepared the Report, do not always take into account the provisions, set forth in the three above-mentioned documents, access to which was provided by the Secretariat only in 2018.

The Report itself contains summarized by the Secretariat proposals on priority actions that could be undertaken to enhance the effectiveness of the Rotterdam Convention, made by Parties of the RC, and Secretariat’s comments on their legal and operational implications, divided into three categories: the listing process; the PIC procedure; overall effectiveness of the Convention.

Considering the Report, it should be taking into account, that the main reason for the creation of the inter-sessional working group on enhancing the effectiveness of RC by decision RC-8/8 adopted by COP-8 was the statements of some Parties that the absence at the COP of consensus on the listing in Annex III of the RC (hereinafter - Annex III) of previously recommended by the CRC individual pesticides and chemicals is a sign of a "crisis" in the work of the RC.

The Russian Federation repeatedly noted, that this circumstance did not in any way indicate a "crisis" in the work of the RC, but otherwise demonstrated the high objectivity and effectiveness of the consideration of current issues at the COPs.

Sufficient amount of proposals, submitted by some Parties, can be considered as aimed at promoting their positions not by an objective examination of the whole range of problems, associated with the listing of a candidate substance in Annex III, but by changing RC itself. This approach we suppose as non-constructive. Such as amendments to the text of the RC, development of new annexes to the RC and/or introduction of additional "voluntary" (actually mandatory, if such will be included in the text of RC) PIC procedure. At present it is already quite clear, that there is no need to take urgent and not fully measured decisions on introducing changes in the text of the RC, developing new annexes and procedures. All this can only significantly complicate the work of the RC and, indeed, lead to the real but not made-up crisis in its work and implementation, as has been repeatedly noted.

A brief description of the negative consequences of such approaches was presented at COP-4 (UNEP/FAO/RC/COP.4/13). More detailed analysis was presented by one of observers at Workshop to support the intersessional work on the process of listing chemicals in Annex III to the Rotterdam Convention (3-5 July, 2016, Riga, Latvia) «CropLife International Position on Africa Group Proposal to Amend Rotterdam Convention», and by mentioned above «Assessment for the continued effectiveness of the Rotterdam Convention, Final Report».

Also we can find in the report proposals, which are based on the assumption that all final regulatory actions, taken by individual Parties, are based exceptionally on the need to protect human health and protect the environment, without taking into account

the political and economic interests of these Parties. Such approach could be also recognized as unconvincing. In modern conditions the absence of influence of socio-economic interests on the decision-making process seems improbable. As example could be used recently adopted «Directive (EU) 2017/2398 of the European Parliament and of the Council of 12 December 2017 amending Directive 2004/37/EC on the protection of workers from the risks, related to exposure to carcinogens or mutagens at work». In this Directive, concerning the apparently absolutely non-commercial issue of establishing threshold levels of carcinogens exposure at work, that is, establishing levels of exposure of industrial carcinogens to workers with no or negligible risk for health, one from the first positions is a requirement that this binding occupational exposure limit values should be established on the basis of available information, including scientific and technical data, economic feasibility, assessment of the socioeconomic impact. On the other hand, doubts also arise from the provision in the comments of individual Parties, that economic considerations are the only reason for disagreement in the listing of certain candidate substances in Annex III of the RC. For example, in the case of chrysotile asbestos, one of the main reasons for disagreement in it's listing in Annex III was the absence in the proposed documents for facilitating the decision making of serious scientific evidence on the negative consequences of any kind of it's use for human health. Most of the data presented concerned only the effects of amphibole group of asbestos having a same trade name with chrysotile asbestos but representing a completely different group of minerals, exposure to which represents risks to human health, that are substantially higher than related to exposure to chrysotile asbestos.

In connection with the foregoing, further consideration of mentioned above proposals seem inappropriate.

At the same time, possibility of increasing the efficiency of the work of the RC due to a number of measures mentioned in the report under consideration is undoubted. These measures are also considered essential in p.p. 3.6 and 3.7 of the

report "Assessment for the continued effectiveness of the Rotterdam Convention, Final Report", September - 2017.

First of all, these are measures to improve the process of developing and adopting recommendations and drafting policy documents by the Chemical Review Committee. In this context the proposals of Norway, Australia and Mexico (paragraphs 142 to 146) attenuate serious attention and detailed evaluation at the intersessional working group meeting in Riga in June 2018, including elaboration, for example, a request agreed by the participating Parties to the Secretariat for drafting relevant proposals for discussion at COP-9 and amending the Handbook of working procedures and policy guidance, developed by the Secretariat in March 2018.

Also, the issues and proposals of many Parties summarized in para. 324 concerning alternatives to the substances proposed for listing in Annex III, are the points of interest.

Some of proposed measures to improve the exchange of information between the Parties and the Secretariat, as well as between the Parties (paragraphs 320-323), also can significantly improve the efficiency of the work of the RC.

Awareness-raising measures may be important too. In this connection, it may be appropriate for further careful discussion of proposals, summarized by the Secretariat in paragraphs 110-112, 114, 121, 122, 240 and 310 of the report at the meeting in Riga.

Also it should be noted, that in order to justify the adoption of final regulatory actions; improving the quality of notifications of final regulatory actions; and the quality of elaboration and consideration of issues at the CRC level, it is necessary to use not only general information offered, for example, in information resources developed by the Secretariat and other international organizations (FRA Evaluation Toolkit; FAO Pesticide Registration Toolkit; WHO Assessment Toolkit: Chemical Hazards), but all the data available today using modern information search instruments. First of all, in accordance with the main aims of the RC, this should be the objective scientific data on the possible effects of substances on human health and environment in real modern conditions. But not less important is objective

information on the social and economic effects of certain decisions, on the presence or absence of really safe, economically and technologically accessible (primarily for developing countries) alternatives to the substances, for which decisions are made to ban or severely restrict of use. In this case, it is necessary to combine the voluntary efforts of individual Parties of the RC with the coordinating support of the Secretariat.

It is impossible not to pay attention to many proposals on technical and economic assistance to the Parties that need it (paragraphs 113 and 221). But such assistance should be voluntary for Parties, that are able to do so, recognizing the clearly important role of the Secretariat in developing measures to systematize and optimize approaches to providing such support.

Serbia

Comments to the Report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

Republic of Serbia

Priority action: *Actions to improve the notifications of FRAs*

Regarding priority action related to the improvement of preparation and submission of notifications of FRAs to the Secretariat, the Republic of Serbia would like to emphasize the importance of organization of subregional meetings to discuss region-specific difficulties. The attendance at the Subregional DNA Consultative meeting organized by the Secretariat of the Rotterdam convention in cooperation with the Ministry of Environment and Agriculture of Georgia was of great importance for the Republic of Serbia. The Serbian representatives had the opportunity to exchange the experience with colleagues from the region, as well as to solve some concerns regarding the preparation of notifications of FRAs. At the meeting FRA Evaluation Toolkit developed by Secretariat, was presented, as well as possibility of using bridging information in the process of preparation of FRA, which could be significant for the Republic of Serbia.

Priority action: *Actions to improve information-exchange between Parties and the Secretariat and between Parties*

In the process of the preparation of the Republic of Serbia for the EU accession, in accordance with its commitments, in the field of chemicals management, Serbia harmonized its national legislation with the EU legislation to the maximum extent. For that reason, not based on risk evaluation, in national legislation, chemicals are banned or restricted for manufacturing, placing on the market or use in the same way as in the EU. Considering the lack of capacity to undertake risk evaluation of chemicals, the experience of developed countries in this field is also important for our country. For that reason, Republic of Serbia supports the proposal for enhancing the implementation of the Convention by improving information exchange on chemicals that are listed or recommended for listing, such as information on FRAs to ban or severely restrict chemicals, including risk evaluations of Parties carried out in the context of FRA notifications and export notifications. Serbia also finds important to improve information exchange on alternatives to chemicals that are listed or recommended for listing.

Priority action: *Actions to improve the availability of funding for national implementation*

Republic of Serbia would like to highlight the importance of existence of financial mechanisms for national implementation of sound management of chemicals and waste, such as special programme which provides support to developing countries and countries with economies in transition in strengthening institutional capacity for the implementation of the conventions in the field of chemicals and waste at national level. In this regard, Executive Board of Special Programme recently approved for funding project for the Republic of Serbia entitled "*Strengthening the synergies between Basel, Rotterdam, Stockholm and Minamata Convention at national level in the Republic of Serbia*".

Conclusion

Republic of Serbia understands and appreciates the objective of the Rotterdam convention for information exchange and fulfills the obligations prescribed by the convention, prepares and submits import responses, provides export notifications.

In this regard, Republic of Serbia shall support the proposal which will prove best in achieving the objectives of the Convention, by improving the process of including chemicals into the Annex III of the Convention, by taking into account the national strategic goals pertaining to the safe management of chemicals, by acknowledging the views from Central and Eastern European countries and the EU and by taking into account the implications of accepting the proposed amendments.

Suriname

From: carmen vandijk [mailto:pesticedivsuriname@gmail.com]

Sent: mardi 20 mars 2018 14:46

To: Christine Fuell (FAO) <Christine.Fuell@fao.org>; Andrea Lechner <andrea.lechner@brsmeas.org>

Subject: Comments on report analyzing the legal and operational implications

Dear Ms Fuell and Ms Lechner,

after going through all the recommendations of the countries who have submitted their input to the survey. I can say that Suriname agree with the points that they have made, but we want to emphasize the ref, 113, 114, 115, 310. 323, 324, 332, 340 and 361.

Is it possible to include a final remark/request?

We should create a system were manufactures do not only have to obligation to send the PIC forms, but also get the responsibility to assist the country where the sell the products in raising awareness and provide training on how to handle the HFPS.

Constrains: we have to change/make legislation

regards

Carmen van Dijk

DNA RC

Suriname

Swaziland

From: Bianca Dlamini [mailto:bhdlamini@SEA.ORG.SZ]

Sent: mercredi 28 mars 2018 10:10

To: BRS Secretariat (No-Reply) <no-reply@brsmeas.org>

Cc: Andrea Lechner <andrea.lechner@brsmeas.org>; Christine Fuell (FAO) <Christine.Fuell@fao.org>

Subject: RE: Invitation to comment on the report analysing the legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

Dear All

I have gone through the document and also distributed to some of my colleagues. Our general comment is that the document looks fine and may be sufficient to enhance the effectiveness of the Rotterdam Convention. I am not sure, if you expect a formal communication to this effect. Otherwise, we welcome the recommendations of this document and thank all those who worked hard to put it together.

Kind Regards,

Bianca

Switzerland



Schweizerische Eidgenossenschaft
Confédération suisse
Confederazione Svizzera
Confederaziun svizra

Federal Department of the Environment,
Transport, Energy and Communications DETEC
Federal Office for the Environment FOEN

Reference: R134-0089

Submission of Switzerland on the report analysing the legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

29 March 2018

Switzerland would like to thank the secretariat for having prepared a report analysing the legal and operational implications of the priority actions proposed by countries in relation to decision RC-8/8 to enhance the effectiveness of the Convention.

Switzerland welcomes the many comments provided upon the secretariat's request including from countries that were not involved in the discussion at the last COP. This interest and participation shows the shared frustration and the willingness increase the effectiveness of the Convention.

To identify a set of prioritized recommendations for enhancing the effectiveness of the Convention and to identify further steps for consideration by the conference of the parties we would like to suggest to **focus on actions to amend the decision-making process for listing chemicals** as this is the core effectiveness problem of the Convention. Those actions should be highlighted in the report and should be discussed first at the upcoming intersessional meeting in June 2018 in Riga. With regard to the actions to improve Parties' enactment of legislation implementing the convention and actions to strengthen Parties' institutions for national implementation we suggest to add the action of **facilitating national legislation on those substances that are recommended for listing in annex III by the CRC but are not yet listed**.

The issues other than the decision-making process for listing chemicals are not the priority in moving forward regarding the effectiveness of the Convention but they are also important. As a pragmatic approach we suggest to tackle as many issues as possible with a synergies approach including the different chemicals and waste conventions (e.g. action C9). We thus suggest to discuss at the Riga meeting, after the discussion on the decision-making process for listing chemicals, proposed **actions can be approached in a synergistic way** and make a recommendation to the COP to address those.

1/1

061.6-04.32-02-00928/R134-0089

Observers

Central African Republic

Submitter information

Country / Regional Economic Integration Organization	<i>Central African Republic</i>
Role(s):	Official Contact Point / Designated National Authority / Both
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(i) Priority actions to enhance the effectiveness of the Rotterdam Convention

In this section, Parties are asked to list a maximum of 5 (five) priority actions that could be undertaken to enhance the effectiveness of the Rotterdam Convention. Parties may wish to make reference to the relevant decision taken by the seventh meeting of the Conference of the Parties²⁹⁴, the subsequent intersessional work undertaken on the process of listing chemicals in Annex III to the Rotterdam Convention²⁹⁵ and the documents on this matter submitted to the Conference of the Parties at its eighth meeting²⁹⁶.

Please be as specific as possible in describing your priority actions to ensure the Secretariat can effectively utilize this information.

	Priority actions to enhance the effectiveness of the Rotterdam Convention <i>(Maximum 100 words per priority action)</i>
1	En ce qui concerne les pays qui n'ont pas encore ratifiés la Convention de Rotterdam de le faire dans un meilleurs délai sur exhortation du Secrétariat BRS avec un appui multiforme des partenaires identifiés.
2	Encourager les pays en voie de développement à promouvoir une réglementation nationale en vue de renforcer la mise en œuvre de ladite Convention au niveau national.

²⁹⁴ See decision RC-7/5 available at:

<http://www.pic.int/TheConvention/ConferenceoftheParties/Meetings/COP7/Overview/tabid/4252/language/en-US/Default.aspx>

²⁹⁵ Please refer to the Rotterdam Convention website:

<http://www.pic.int/Implementation/ProcessforListingChemicals/IntersessionalWorkingGroup/tabid/5253/language/en-US/Default.aspx>

²⁹⁶ Including, but not limited to documents: UNEP/FAO/RC/COP.8/16, UNEP/FAO/RC/COP.8/16/Add.1, UNEP/FAO/RC/COP.8/INF 10, UNEP/FAO/RC/COP.8/INF 20, UNEP/FAO/RC/COP.8/INF 21, UNEP/FAO/RC/COP.8/INF 25. Please refer to the Rotterdam Convention website:

<http://www.pic.int/TheConvention/ConferenceoftheParties/Meetings/COP8/Overview/tabid/5311/language/en-US/Default.aspx>

3	Les pays en voie de développement en pleine crise comme la République Centrafricaine par exemple doivent être appuyés en vue de faire l'inventaire des produits chimiques qui sont importés sur le territoire, car plusieurs produits chimiques sont frauduleusement importés, vendus à des fins d'utilisation multiforme dans le pays.
4	Répertorier les handicapes causés par les produits chimiques consignés dans la Convention de Rotterdam (si cela n'est pas encore fait) auprès des pays vulnérables et à l'échelle mondiale afin de prendre des décisions qui s'imposent.
5	Sensibiliser et former toutes les parties prenantes sur l'importance de la mise en œuvre de la Convention de Rotterdam et pérenniser le suivi en vue de protéger l'environnement et la santé des populations.

(ii) Key information gaps related to the priority actions identified

In this section you are asked to indicate key information gaps with respect to the priority actions identified under point (i) above. This information will be used to assist the preparation of the report analyzing the legal and operational implications of the priority actions identified.

Priority action 1	Key information gaps

Priority action 2	Key information gaps

Priority action 3	Key information gaps

Priority action 4	Key information gaps

Priority action 5	Key information gaps

Croplife International



Secretariat for the Rotterdam Convention
Food and Agriculture Organization
Viale delle Terme di Caracalla
00153 Rome
Italy

Sent by email to: christine.fuell@fao.org
andrea.lechner@brsmeas.org

13 March 2018

Re: Report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention

Dear Ms. Fuell and Ms. Lechner

Thank you for the invitation to parties and others to comment on the subject report. You'll find CropLife International's input in the appendix to this letter.

Sincerely

A handwritten signature in blue ink, appearing to read "Dieterle".

Dr. Roland Mario Dieterle
Co-Chair, PIC/POPs Project Team
CropLife International

c/o Syngenta Crop Protection AG
P.O. Box
CH-4058 Basel
Switzerland

CropLife International

Comments on:

Report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention,

uploaded on the Rotterdam Convention website in January 2018

CropLife International supports the information exchange procedures and the principles of Prior Informed Consent (PIC) of the Rotterdam Convention. The PIC procedure is an additional safeguard to protect human health and the environment for countries where effective regulatory controls are weak. We consider the Convention, as drafted, appropriate to achieve the objectives of the Convention in the international trade of certain chemicals and pesticides. We see no need to amend the Convention with new procedures and annexes which would require substantial time and effort for drafting and potential ratification and eventually lead to increased complexity and confusion in the implementation.

With respect to the report we have the following comments:

Ref 141

“Increase the number of CRC members”

CropLife International would suggest that rather than increase the number of CRC members, efforts should be made to stimulate the active participation of those CRC members present at the meetings. With this in mind, it may be timely to introduce simultaneous translation in CRC plenary meetings as is done at the Stockholm Convention POPs Review Committee.

Ref 160

“Subject chemicals to a voluntary PIC procedure, where a (qualified) majority of Parties agrees to their listing”

The creation of an additional Annex, listing those substances for which no consensus could be found at COP, would also result in an ungovernable PIC framework, with a patchwork of parties and non-parties for each newly added substance. Determining which party owed obligations to which other party for which substances would create significant confusion, would require a drain of resources better deployed elsewhere, and create additional costs and complexity for the regulated sectors. Similar issues related to acceptance and implementation would arise which we address below on proposal references 154, 161 and 162.

Ref 154, 161, 162

“Permit a flexible entry into force of the PIC procedure for individual States”,
 “Subject chemicals to the PIC procedure, where a (qualified) majority of Parties agrees to their listing”,
 “Subject chemicals to the PIC procedure, where a (qualified) majority of Parties agrees to their listing, with the possibility to opt out”

- All three amendment proposals raise complex issues of international treaty law.
- In practice, the amendment proposals would be unlikely to work, because parties that do not agree to any specific amendment proposal would, we believe, continue to have a legal right to block the listing of substances on Annex III.
- It could also take many years before any amendment ever entered into force, causing significant distraction with no added benefits in the intervening years.
- Any amendment proposal would also result in an ungovernable PIC framework, with a different patchwork of parties and non-parties for each newly added substance in Annex III or any new Annex. Determining which party owed obligations to which other party for which substances would create significant confusion, require a drain of resources better deployed elsewhere, and create additional costs and complexity for the regulated sectors.

Note: Any party can propose an amendment to the Convention text, which will be considered at a COP and adopted by a $\frac{3}{4}$ majority vote. Amendments to the Convention text enter into force only if they are ratified, accepted or approved by at least $\frac{3}{4}$ of the parties. Parties are not automatically bound by such amendments; they have to affirmatively “accept” an amendment of the treaty text before they will become bound by the amended text.

Detailed analysis on potential amendment of article 22 to revise the decision-making procedure by which chemicals are listed in Annex III (the PIC list).

The proposals in Refs 154, 161 and 162 would change the procedure for PIC listing decisions by removing the current requirement for adoption by consensus or by introducing a flexible, party-dependent entry into force.

We focus here on the legal and policy implications of the proposed amendments to article 22.

Firstly, any proposed amendment would almost certainly fail in practice to achieve its own objective of removing the requirement for consensus decision-making. This is because, under the basic rules of treaty law, any party that does not accept the proposed amendment would arguably still be able to prevent the listing of a substance on Annex III.

- A multilateral treaty, like the Rotterdam Convention, can be amended in accordance with its terms.
- However, it is well established under treaty law that an amendment to a multilateral treaty is not binding on a party that chooses not to accept or ratify the amendment. See article 40(4) of the Vienna Convention on the Law of Treaties (VCLT).
- Any party to the original Convention that chooses not to accept the amending agreement (i.e., the “originalists”) would still be a party to the original treaty, but

would be considered a non-party with respect to the amended treaty. And as between one state that is a party to the amended treaty, and another state that is party only to the original treaty, the original treaty (and only the original treaty) is the one that “governs their mutual rights and obligations.” See VCLT article 30(4)(b).

- In this case, because the original Rotterdam Convention agreement established a procedure that gave each party the right to block consensus and prevent the listing of a chemical on Annex III – a right that had been important to and exercised by many parties – any originalist party that chooses not to accept the proposed amendment would arguably retain that right, even after the proposed amendment enters into force for other parties.
- Given the centrality of the consensus procedure to the original Rotterdam Convention agreement, there is no reason that such an original party’s rights would be limited to preventing the listing of a chemical in Annex III only with respect to trade with that original party alone. Instead, such an originalist party would also retain the right to prevent the listing on Annex III with respect to all other parties. Put differently, the parties to the original (unamended) Convention would still retain a legal right to consensus decision-making with respect to the Annex III list, and parties that had accepted the amendment would still be obligated to give them that right.
- Moreover, this is not a purely hypothetical issue. Several countries that have blocked consensus in the past have done so not because of the marginal additional administrative burdens that a PIC listing imposes on their own bilateral trade, but because of the much larger impacts a PIC listing has on the global perceptions of listed substances, which potentially can impede global access to listed chemicals and reduce their availability.
- It is a near certainty that a substantial number of parties will either elect not to approve any proposed amendment, or will simply fail to act and therefore never become bound by it.
- As a result, for the reasons described above, it is inevitable that a significant number of parties will retain their legal right to block the addition of substances to Annex III, even where the listing is approved by a super-majority decision of parties to the proposed amendment.

Second, even if it were capable of achieving its stated objectives, any proposed amendment would take years and potentially decades before it took effect.

- Under the Rotterdam Convention, any proposed amendment would only enter into force after acceptance by $\frac{3}{4}$ of the parties (many of which would, as a matter of their domestic procedures, be required to pursue a ratification procedure with their national legislatures).
- This would likely take a period of years. Rotterdam Convention parties need look no further than the Basel Convention for an example of how burdensome and distracting the treaty amendment process can be. The Basel Convention’s “Ban Amendment”, which was similarly controversial, was adopted by a divided COP in 1995. Over 20 years later, it has still not entered into force globally.

- During this period where it awaited entry into force, any proposed amendment would serve no function in improving the operation of the Convention. Indeed, the presence of the pending amendment would serve only to further politicize the Rotterdam Convention processes and distract from meaningful efforts to reform the Convention and improve chemicals management at all levels of governance.

Third, even if one could somehow clear the obstacles discussed above, any proposed amendment would be logistically unworkable and unimplementable in practice, both for governments and the regulated industry.

- Instead of a single global PIC list, which applies to virtually all global trade among parties, governments and trading entities would have to cope with an ever-shifting constellation of PIC lists, the content of which would depend on which two governments were involved in the trade.
 - Some countries would be bound only by PIC listings that took place under the terms of the original Convention; these “originalists” would never be bound by a listing decided in the face of an objection.
 - Other countries that had joined the proposed amendment could nevertheless choose to opt-out of the amendment of Annex III within 1 year.
 - Still other countries would likely either choose to be bound or become bound by default by failing to opt-out within the 1-year period.
- This constellation would be different, moreover, for every newly added chemical. It would pose major challenges to participating stakeholders to try to keep track of and comply with this patchwork of rules regarding export notifications and import consents.
- Clarity on how these obligations would be managed would likely require extensive additional changes to the text of the treaty itself, so that parties understand what obligations they have under which situations, and to which other parties.

Fourth, any proposed amendment undermines the valuable principle of consensus decision making, which has been a core principle that has contributed to the growth, acceptance and effectiveness of multilateral environmental decision-making.

International Chrysotile Association (part 1)



International Chrysotile Association

For environmental, occupational health, safe and responsible use

March 22, 2018

To the attention of:

Ms Andrea Lechner andrea.lechner@brsmeas.org

Ms Christine Fuell christine.fuell@fao.org

UNEP/BRS

Secretariat of the Rotterdam Convention

COMMENTS BY THE ICA (INTERNATIONAL CHRYSOTILE ASSOCIATION) ON THE REPORT ON LEGAL AND OPERATIONAL IMPLICATIONS OF PRIORITY ACTIONS TO ENHANCE THE EFFECTIVENESS OF THE ROTTERDAM CONVENTION

We are writing to you in response to the invitation to comment on the 15 January 2018 report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention.

We kindly appreciate the invitation to submit comments, and we would like to reiterate our firm belief in the purpose and objectives of the Rotterdam Convention as the right international instrument to promote shared responsibility and cooperative efforts in the international trade of hazardous chemicals.

Unfortunately, ICA believes that the letter and the spirit of the Convention has been undermined or voluntarily forgotten by certain people who have done everything to turn it into a powerful instrument to be used by the anti-asbestos lobbies to obtain a global ban on the use of the chrysotile fiber.

Since the beginning of the Rotterdam Convention, ICA has actively participated with other accredited observer in COPS, international conferences and intersessional events with a professional and constructive approach aimed at bringing the Convention back to its essentials.

The ICA therefore regrets that this constructive participation of observers from the civil society has stopped due to the inappropriate behavior of some anti-asbestos groups during last COP-8. It is why ICA, together with other NGOs, are deprived of properly participating in the current intersessional process set up by Decision RC-8/8 contrary to what happened in the past process. Nevertheless, ICA considers that this unfortunate decision should not lead to the exclusion of ICA and other competent Non-state actor from participation in the working group set up to prioritize recommendations from the report and identify further steps.

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From the outset, ICA strongly request the Secretariat to convey before the Bureau about the need to invite observers to the upcoming workshop in Latvia next June 2018.

Finally, and before commenting the report, we would like to recall our position (see attached below) which was sent ahead in October 2017. The comments on the positions from the Parties presented here complement those made at that date.

1. ICA categorically rejects proposals to amend the decision- making procedure to list chemicals in Annex III.

ICA strongly believes that the consensus decision-making to list chemicals in Annex III is paramount to preserve the core mechanism of the Convention and to respect its underlying principles. Changing the system established in Article 22.5 of the Rotterdam Convention, as proposed by some countries, shakes the core component of the convention which is consensus. In particular, ICA urges the working group to negatively assess the following proposals:

- **The EU Priority Action 5 (PA-5)** and countries such as **Australia (PA-1), Bahrain (PA-1), Ecuador (PA-1), and Switzerland (PA-1)** expressed their will to switch from a **consensus to qualified majority**. In ICA's view, the proposed amendments would imply a serious infringement of the Convention's letter and spirit. ICA recalls that the consensus principle is a fundamental pillar for Parties regarding the listing procedure.
- **The EU (PA-4)** and proposing to add a **new annex to list the chemicals which could not reach consensus four times**. According to this, chemicals would automatically be listed in this new annex if the Conference of the Parties failed to list them. ICA firmly opposes this amendment, as it would complicate the normal function of the Convention and send a negative signal.
- **Canada and the EU propose the possibility of implementing a Voluntary PIC procedure**. In concrete, the **EU (PA-2)** promotes the adoption of standalone decision at the Conference of the Parties that invite Parties to apply the PIC procedure on a voluntary basis to chemicals for which consensus could not be reached. Likewise, **Canada (PA-1)** proposes continued use of Article 14 to as a means for Parties to implement a voluntary PIC mechanism for substances that have no yet achieved consensus. ICA considers that these actions entail a breach of the rules of the Convention: according to Article 22.5, the inclusion of chemicals in the Annex III requires a consensual decision, i.e. took by all the Parties. Therefore, they cannot voluntary apply the PIC procedure, since this would imply a 'behind-the scene' inclusion in the list, without respecting the Parties will of not listing.

Concerning the proposal made by Canada in PA-2 on the *"need for a robust and informed discussion on the legal and operational impacts, challenges as well as benefits, of allowing for chemicals to be listed by vote to be listed by vote by amending the text of the Convention"*, ICA, while opposing any changes in the current decision-making procedure to list chemicals, warmly welcomes the request for a *"robust and informed discussion on the legal and operational impacts"* of these changes. Accredited Observers, and not only Parties and Non-Parties, should be fully involved in this discussion that ICA is defending along the years.



2. ICA looks at ensuring the transparency and impartiality in the PIC procedure.

Some products are been notified by Parties as a Final Regulatory Action, despite no determinant scientific information that an unacceptable and or unmanageable risk exists in human health.

We consider that products to be recommended for inclusion by the Chemical Review Committee (CRC) should be accompanied by sound science and latest scientific evidences. ICA welcomes at this respect the proposals made by **Mexico (PA-2 and PA-5) to enhance the process of adoption of recommendations by the CRC and to clarify the basis for listing, namely: “strengthen the technical and scientific justification of CRC recommendations, as national and international companies have questioned the validity and neutrality of CRC decisions” ; and “elaborate a methodology to guide Parties in taking national decisions on listing, taking into account environmental, commercial, agricultural production and health aspects to favour balanced decision-making”**. To preserve the impartiality principle, ICA urges the Secretariat and the Parties to freeze discussions about products, for which consensus has not been reached during several COPs, until new real scientific evidences appear.

Canada (PA-1), the EU (PA-1), Peru (PA-4) and Bahrein (PA-2) suggest improving information on alternatives to candidate chemicals or listed chemicals. Peru, for instance, proposes *“establishing a list of alternatives for Annex III chemicals and chemicals that are candidates for inclusion in Annex III”*. In that respect, ICA strengthens **that alternatives are often neither economically viable nor safe options**. Also, it is important to bear in mind that the existing alternatives of products recommended for listing have often not been the subject of extensive scientific researches and thus the effects on health are unknown.

Besides, ICA supports actions aiming at improving the consistency of the Chemical Review Committee recommendations, as proposed by Australia in PA-4 (*“entitling the CRC to seek information from external experts, private sector and public interest bodies or non-member Parties to assist deliberations”*) and Norway in PA - 3 (*“considering opening the CRC for further involvement of observers by allowing early comments on task group reports, inviting comments on Decision Guidance Documents, and allowing (e.g. Parties) to participate in intersessional work”*).

3. ICA calls to improve the awareness on the consequences of listing products

In line with the proposals from Canada, Switzerland, Peru and Bahrein, ICA supports those actions that seek to properly increase the understanding on the effects of listing products on trade. In concrete, Perú (PA-2) and Canada (PA-4) expressed the importance of carrying out realistic studies on the implications of listing new products, keeping in mind that listing does not seek to impose an immediate ban. Recent studies carried out by the Secretariat of the Rotterdam Convention (UNEP/FAO/RC/COP.8/INF/21), do not make a proper evaluation on what exactly listing products

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entails. The experience illustrates that listing supposes a de facto ban, having hazardous effects on many levels:

- At the national level, the main goal of listing products is generally mixed up. As noted by Switzerland in PA-5., there is a *“misconception among some stakeholders that the Rotterdam Convention restricts trade when it is in reality about information-sharing to promote a transparent and effective trading system”*. In this sense, ICA backs up those actions aiming at providing a realistic picture of the impacts of listing a chemical in Annex III, including whether listing triggers bans at the national level, as further proposed by Switzerland in PA-5: *“a study on the impacts of listing, providing a realistic picture of what happens when a chemical is listed”*. ICA has been constantly recalling that the Annex II to the Rotterdam Convention itself sets out the criteria for listing *“banned or severely restricted chemicals”*.
- At the industry level, the studies carried - out are not taking into account the undesirable effects of listing products in the industrial and labor sector. Bahrain noted in PA-3 that it is highly important to to analyse the impact of listing products on markets by mean of studies based on Parties consultations on how listing could affect their industry. As data show, being in the list means discrimination in international trade up to ban of imports. In line with this action, the Secretariat is required to study and analyze the entire effects on societies and, particularly, inform the parties before taking decisions.

Consequently, ICA encourages those actions leading to promote a shared understanding of the listing procedure. This is in lines with suggestions made by Mexico (PA 5) *“Disseminate information on the implications of listing”* and Switzerland (PA 5) *“Promote activities to increase the awareness on listing implications”*.

4. ICA stresses the need of neutrality of the Secretariat of the Rotterdam Convention

We would like to call once again the Secretariat, to restore their neutral role, abandoning biased approaches and deceptive initiatives, extensively explained by International Chrysotile Association in previous letter and position papers.

Having said the above, ICA very much look forward to helping the working group on its task to develop prioritized recommendations for enhancing the effectiveness of the Convention and to identify further steps for consideration by the next Conference of the Parties.



Jean-Marc Leblond
Chairman

Enclosed: Letter from ICA to Secretary General Payet (October 2017)

c.c.: Mr. Emiliano Alonso

International Chrysotile Association (part 2)

**A review of the World Health Organization's publication chrysotile asbestos, 2016
Rotterdam Convention COP8 Meeting – 2017
Letter to the Executive Secretary of the Rotterdam Convention, October 2017**

These three documents are available at:

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

United States of America

**Comments from the United States of America
on the “Report on legal and operational implications of priority action to enhance the effectiveness of
the Rotterdam Convention”
(PIC Intersessional Process)
March 30, 2018**

The United States appreciates the opportunity to comment on the “Report on legal and operational implications of priority action to enhance the effectiveness of the Rotterdam Convention”. We note with great interest the range of priorities expressed by the Parties and look forward to contributing to the process, as outlined in decision RC 8/8. Within the categories of priority actions presented in the report, below please find our initial general reactions, in no particular order.

Category A: The listing process

The United States fully agrees that further consideration must be given to how to better utilize information exchange and technical assistance mechanisms to develop the knowledge and expertise of all Parties and stakeholders, as presented by a number of countries. Such expertise is needed to develop and review scientific, technical, and policy information both to support the adoption of domestic final regulatory actions and to then effectively notify those actions. Enhanced opportunities for education and training need to be implemented, including education and training on the benefits of regulatory action, taking into account the need for each Party to make its own sovereign decision regarding the appropriate level of domestic action on individual chemicals. Efforts should also aim to improve availability and accessibility of information for Parties and stakeholders considering regulatory action or preparing a notification.

We specifically agree with those who called attention to Articles 14 and 16 as possible mechanisms for Parties to share relevant information and to develop the necessary knowledge and expertise. The United States recommends further consideration of a procedure whereby appropriate, additional or updated information related to risk assessment, regulatory actions, etc. can be identified, along with a mechanism for making that information available on a voluntary basis. Such a procedure could provide significant value to Parties either contemplating domestic action on chemicals already listed in Annex III or, in cases where technical assistance is being provided by the Secretariat, to assist Parties in their implementation of the Convention.

We also would welcome, as suggested by several Parties, efforts to improve the engagement and rigor of the CRC. A productive discussion in this area would include focus on ensuring that appointed experts are able to dedicate sufficient time to preparing for and actively participating in meetings of the CRC. CRC experts should also receive general training on the Convention and on the operation of the CRC, specifically. We also concur with a number of the comments that stressed the significant barriers to the participation of some Parties and observers of the CRC due to language constraints. However, we also recognize that translating all CRC documents into all 6 UN languages may not be feasible given budget constraints.

As an observer, the United States has been generally disappointed with the level of consultations before, during, and after the CRC meetings. This lack of meaningful dialogue is most obvious when the CRC meets to discuss the task group report the day before the meeting. At that stage, there is very little interest in changing the task group report, which has only been seen by a small number of CRC experts. As a result, the task group report represents only a fraction of the available expertise and is void of any input from other CRC members, other Parties, and observers. In addition, the task group report is rarely available more than a short time before the meetings, and we would suggest it should be available at least several weeks in advance. We have also noted that CRC contact group chairs have sometimes sought to limit the input

taken from CRC observers, including those observers that represent Parties to the Convention who are not currently CRC members. Several of the issues later raised by Parties at the COP might have been more easily resolved had they been subject to more robust discussion at an earlier stage. We believe that the CRC should also be a forum where those Parties with objections to potential listing could seek clarity or further information, alleviate concerns, and engage in a dialogue to seek consensus-building opportunities for listing.

Regarding suggestions to create a glossary to clarify key terminology, it is not clear to us what legal terminology under the Convention would be defined in such a glossary, or how this exercise would improve the effectiveness of the listing process. Typically, the legal terms used under the Rotterdam Convention and in other international agreements have an established meaning. Attempting to define them in this context could have wide-ranging and unintended implications for the Convention and for other agreements. Furthermore, development of a comprehensive glossary would likely be very time consuming.

A number of the responses in the “key information gaps” column identified a need for an improved understanding of, and dialogue regarding, the economic and other implications of listing, and recommended studies of such issues. The United States appreciates the interest in understanding the global picture of how the Rotterdam Convention impacts both domestic decision-making and the global trading regime for chemicals, including issues relating to whether safer alternatives to the chemical or pesticide being considered are available and how Parties and outside organizations (such as other international organizations or stakeholder bodies) utilize the listings. The United States believes encouraging further exploration on these issues among the Parties and stakeholders would be beneficial. An improved understanding of such economic and trade impacts may result in more constructive dialogues throughout and inform aspects of the listing process that have the potential to positively influence the decision-making of the Parties. Likewise, increasing transparency in the listing process (in particular for the drafting of a more robust Decision Guidance Document (DGD)), will also allow opportunities for Parties to seek further clarity and information relevant to their own circumstance, thus providing a concrete opportunity within the current process to understand the socio-economic or trade issues in advance of the COP. Should an outcome of the Riga meeting be to request such a study, we believe it would best be for an outside firm with some expertise in global trade to conduct the study.

We agree with the report that it is unlikely that consensus will be reached on any proposed amendment to the Convention, and as we have stated before, we believe that a number of actions without an amendment could make reaching consensus among all Parties easier, many of which have been nicely identified in this report. Our view remains that consensus decision-making on listing additional chemicals is an important element of the PIC Convention. We place great importance on the idea that all Parties assume identical obligations with respect to export of listed chemicals, thus ensuring implementation of a listing decision globally among Parties.

As a result, we do not support proposals that would lead to the creation of two parallel systems in which one list would trigger PIC procedures for all Parties and another would trigger PIC procedures for only a subset of Parties, the composition of which would likely change depending on the chemical. We think these concerns would be the same whether the second list was legally-binding or voluntary. The consensus requirement for listings under Annex III reflects the idea that each Party should have an equal voice in the decision-making process related to the export of listed chemicals, and that the Convention will be much more effective with the full participation of all Parties. We do not believe the Convention’s main goals would be advanced with a proposal to change the decision-making process for Annex III listings, especially when there are other viable options for more directly addressing the concerns expressed by some Parties. Moreover, the nature and effect of such an amendment would require consideration of the rights afforded to those countries who are Parties only to the unamended Convention, taking into consideration Articles 30(4) and 40(4) of the Vienna Convention on the Law of Treaties.

As a final note, we appreciate the views expressed, including in the “legal and operational implications” column, on how priority actions may be implemented, but note that further careful consideration will need

to be given to the desired intent and legal outcome of any particular priority actions, taking into account that only Parties can interpret the obligations of the Convention -- not a working group, the Secretariat, or the UN Legal Advisor.

Category B: The PIC Procedure

We agree with a number of the points in the “legal and operational implications” column that the creation of the Compliance Committee, as required under the Convention, offers an opportunity to address a number of the suggested priority actions. We believe a compliance committee would be a vehicle to: encourage increased information exchange; work with Parties that may have developed gaps in their implementation; and generally assist Parties, where possible, to improve the Convention’s compliance and response rates consistent with the obligations that Parties have assumed.

As also noted in the “legal and operational implications” column, there is a significant amount of guidance that has already been produced by the Secretariat. The United States recommends that a key discussion point at the June 2018 Riga meeting should be to focus on how to ensure effective and useful dissemination of that information and how to incorporate that information into relevant, appropriate, and meaningful technical assistance opportunities under the Convention.

In that same vein, while we recognize that the Convention does not compel that final regulatory actions to ban or severely restrict a chemical take into account the availability and affordability of the chemical or its alternatives, making such information available at an early stage would address the issue of the availability of information regarding alternatives. In addition, this information would better utilize the information exchange opportunities under the Convention, further aid in developing expertise on chemicals generally, and allow more thorough decision-making for other countries considering similar action. Furthermore, insufficient attention to alternatives may be a source of alarm to those countries who have an on-going need for the chemical and who believe a potential listing decision by the COP will affect how they address that need.

Category C: Overall Effectiveness of the Procedure

The United States is in agreement with those survey responses that noted the importance of the provision of technical assistance. We appreciate the increase in technical assistance being provided by the Secretariat to assist Parties in their implementation of the Convention, particularly the assistance focused on ensuring that final regulatory actions are notified to the Secretariat. Such support should continue and, as needed, be augmented. We also agree with the comments that support efforts to improve awareness of the opportunities available within the integrated approach to financing sound management of chemicals and wastes.

We also support those who suggested that an effectiveness evaluation could examine the quality of information exchanged, the number of Parties notifying regulatory actions (including actions taken to regulate chemicals following their listing in Annex III), the heightened awareness of the potential negative impacts on human health and the environment of certain chemicals, the increased regional coordination of chemical activities, and the engagement of a wide range of countries and Parties.

In closing, we would highlight our view that the use of diplomatic channels to continue dialogue intersessionally to try to address any outstanding concerns Parties might have presents an opportunity for priority action that has not yet been sufficiently utilized or considered, as raised in our initial submission in April of 2016. One of the continuing frustrations for many Parties and observers is the fact that there is no intersessional work between Parties and stakeholders that attempt to address concerns with the process or recommendations of the CRC until the listing recommendation is in front of the COP for decision, which

is too late for most governments to engage in thoughtful discussions internally, with their stakeholders, and/or with other Parties.
