**Comments of the European Union and its Member States on the**

**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.