**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 though 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.