

## **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.