

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.¹
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.²
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
Western Europe and	20 out of 23 Parties (includes	Australia, Canada, Norway, Switzerland

¹ 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>.

² As of 15 November 2017, 158 States and the European Union were Parties to the Rotterdam Convention.

Others	16 as coordinated response through the EU)	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 categories³ 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;
- 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;

³ 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.

- 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).⁴

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.

⁴ 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. ⁵
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 ⁶ 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 ⁷ and 16 ⁸ of the Convention.

⁵ See decision RC-8/12 on the clearing-house mechanism for information exchange.

⁶ 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>.

⁷ 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.”

⁸ 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).⁹</p> <p>Additionally, the Secretariat has developed a Final Regulatory Action Evaluation Toolkit (FRA Evaluation Toolkit)¹⁰ 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 country opposes listing at the COP 	<p>Implementation by individual Parties under Articles 15.1 (a)¹¹ and 16¹² 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>

⁹ 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>.

¹⁰ The Final Regulatory Action Evaluation Toolkit is available at <http://www.pic.int/Implementation/FinalRegulatoryActions/FRAEvaluationToolkit/Introduction/tabid/4976/language/en-US/Default.aspx>.

¹¹ 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.”

¹² See footnote 8.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
			(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 ¹³ and some guidance available through the FRA Evaluation Toolkit. ¹⁴
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. ¹⁵
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 ¹⁶ and 16 ¹⁷ 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). ¹⁸

¹³ 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>.

¹⁴ The Final Regulatory Action Evaluation Toolkit is available at <http://www.pic.int/Implementation/FinalRegulatoryActions/FRAEvaluationToolkit/Introduction/tabid/4976/language/en-US/Default.aspx>.

¹⁵ See footnote 9.

¹⁶ 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.”

¹⁷ See footnote 8.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
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 ¹⁹ of the Convention. Activities to assist Parties in resolving regional implementation difficulties could be part of the implementation of the TA plan. <i>Note: In the case of the submitting Party (Bosnia and Herzegovina), the meeting is already planned.</i>
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 ²⁰ 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: Available guidance includes the paper on bridging information available in the CRC Handbook²¹ 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.</i>
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.

¹⁸ The WHO/IPCS and OECD guidance is available at <http://www.pic.int/Implementation/RessourcesKit/EvaluatingtheRisksofHazardousChemicals/tabid/1502/language/en-US/Default.aspx>.

¹⁹ 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.

²⁰ See footnote 8.

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>.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
				Activities could also be implemented by individual Parties under Articles 15.3 ²² and 16 ²³ 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	<ul style="list-style-type: none"> – 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. 	<ul style="list-style-type: none"> – Need for more refined data on acute pesticide poisoning (Sri Lanka) 	<p>Implementation by individual Parties under Articles 15.2²⁴ and 16²⁵ 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:</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.²⁶</p>
	4. Actions to enhance the process of drafting and adoption of recommendations and draft DGDs by the CRC			
140	Strengthen the CRC	<ul style="list-style-type: none"> – 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	<ul style="list-style-type: none"> – 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 ²⁷ of the Terms of Reference (ToRs) of the CRC.
142	Increase transparency in the work of the CRC	<ul style="list-style-type: none"> – Norway (PA-3) suggests strengthening the CRC by further increasing the transparency of its work, for 		

²² See footnote 19.

²³ See footnote 8.

²⁴ See footnote 7.

²⁵ See footnote 8.

²⁶ See footnote 9.

²⁷ 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
		<p>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 10²⁸ 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 • 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 		<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>

²⁸ 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
144	Strengthen technical, scientific information in CRC recommendation	<p>Committee of the Stockholm Convention (POPRC)²⁹</p> <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; • Including information from other MEAs and IGOs in the DGDs where relevant and possible. 		<p>Implementation by individual Parties under Article 14.1 (a)³⁰ 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>Note: The CRC working papers for preparing DGDs for banned or severely</p>

²⁹ 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>

³⁰ 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
				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.
	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 COP³¹ (the request is pending). It also participates on an ad hoc basis and upon invitation in meetings of that body when relevant.</p>
151	Clarify the basis for listing decisions at the Conference	<ul style="list-style-type: none"> – 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 	<ul style="list-style-type: none"> – 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>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>

³¹ 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
		<p>in the listing process, with the aim to reduce work duplications, minimise the re-production of positions and improve timeliness in decision-making.</p> <ul style="list-style-type: none"> – 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. 	<ul style="list-style-type: none"> – Lack of a methodology and technical and scientific criteria for Parties to back up their opposition to the listing of a chemical (Mexico) – 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>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	<ul style="list-style-type: none"> – 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 how they dealt with it. Possible solutions may include: <ul style="list-style-type: none"> • Developing policy on key terminology; • Educating Parties on key terminology; 	<ul style="list-style-type: none"> – Lack of information on which terms require further clarification (Australia) – Lack of information on how other conventions have dealt with similar issues (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-8/14,³² • 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>

³² 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
		<ul style="list-style-type: none"> • Providing more clarity in the text of the Convention. 		<p>Implementation through a COP decision amending³³ 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 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. 	<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 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 	<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>

³³ 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
		– Switzerland (PA-4) proposes a study on the impacts of listing, providing a realistic picture of what happens when a chemical is listed.	development and use of alternatives (Switzerland)	
154	Permit a flexible entry into force of the PIC procedure for individual States	– 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”.	– 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 amending ³⁴ Article 22.5 (c), 2 nd sentence, ³⁵ 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 Convention ³⁶) (option B). 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. 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). 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

³⁴ 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.

³⁵ 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.”

³⁶ 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>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>

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

160	<p>Subject chemicals to a voluntary PIC procedure, where a (qualified) majority of Parties agrees to their listing</p>	<p>– 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.</p>	<p>Implementation by individual Parties under Article 14.1³⁷ 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</p>
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³⁷ See footnote 30.

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-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. – 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 	<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) – Lack of information on the legal options for and consequences of such an amendment (EU and its member States) – Lack of information on 	<p>Parties of those decisions using the information-exchange provisions of Article 14.³⁸</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> <p>Implementation through a COP decision adopting³⁹ an additional annex.⁴⁰</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</p>

³⁸ 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).

³⁹ 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).

⁴⁰ 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
		procedure. Chemicals would automatically be listed in this new annex if the Conference of the Parties failed to list them.	procedural requirements and steps for implementation (EU and its member States) <ul style="list-style-type: none"> – 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) 	bound by the new annex upon its entry into force. <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. – 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 	<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) – 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 	<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> <p>Implementation through a COP decision amending⁴¹ Article 22.5 (b)⁴² 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</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.

⁴² Article 22.5 (b) of the Rotterdam Convention provides that “[t]he Conference of the Parties shall take its decision on adoption by consensus”.

Ref.	Priority actions	Summary of priority actions	Key information gaps	Legal and operational implications
		<p>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> <ul style="list-style-type: none"> – 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 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. 	<p>procedural requirements and steps for the implementation of the amendment (EU and its member States)</p> <ul style="list-style-type: none"> – 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>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).⁴³</p> <p><i>Note:</i> Available information includes the thought starter on “Ensuring the continued effectiveness of the Rotterdam Convention” (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	Subject chemicals to the PIC procedure,	– Mexico (PA-1) suggests modifying the decision-making process for listing	– Lack of understanding of the complexities involved in modifying	Implementation through a COP decision by amending ⁴⁴ Articles 22.4 and 22.5 ⁴⁵ of the Convention.

⁴³ 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.⁴³ Individual Parties may, however, opt out of any amendment by notifying their objection to the Secretariat.⁴³ Where a Party has made such a notification, the Convention regime does not apply to that Party for that specific chemical.

⁴⁴ 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
	where a (qualified) majority of Parties agrees to their listing, with the possibility to opt out	chemicals to align it with the listing process under the Stockholm Convention to avoid that some chemicals remain unlisted for several COPs.	Article 22.5 to align it with Article 21.3 of the Stockholm Convention (Mexico)	<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.⁴⁶</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 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 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>

⁴⁵ 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.

⁴⁶ 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.⁴⁶ 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.

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.		Implementation through public awareness activities and materials. 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). <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. ⁴⁷ RC-7/2 requested the Secretariat to provide assistance to Parties, upon request, in implementing Articles 11.2(c) and 12.
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. ⁴⁸

⁴⁷ See Article 12.1 of the Rotterdam Convention.

⁴⁸ See Article 12 of the Rotterdam Convention.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
2. Actions to improve Parties' provision of import responses				
220	Expedite national process to adopt import responses	<ul style="list-style-type: none"> – 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. 	<ul style="list-style-type: none"> – Different regulatory regimes in different parts of the country and corresponding delays in the process of adopting national import responses (Bosnia and Herzegovina) 	<p>Implementation by individual Parties under Article 15.1⁴⁹ of the Convention.</p> <p>Activities to assist Parties in expediting national processes for the adoption of import responses could also be part of the TA plan.</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>
221	Create new mechanisms to assist developing countries with adopting and enforcing import responses	<ul style="list-style-type: none"> – 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 in synthesized and presented in a clear way to be useful to decision-makers and non-specialist stakeholders. • 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. 	<ul style="list-style-type: none"> – 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 difficult by frequent changes of OCPs (Yemen) – Lack of mechanism to assist countries, particularly developing countries in implementing the Convention (Yemen) 	<p>Implementation processes will depend on the type measures envisaged.</p> <p><i>Note:</i> The resource kit⁵⁰ includes the health and safety guides (HSGs) that provide concise information, using non-technical language, for decision-makers on risks from exposure to chemicals, together with practical advice on medical and administrative issues.⁵¹</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	<ul style="list-style-type: none"> – Ecuador (PA-2) suggests providing training to customs and commercial 	<ul style="list-style-type: none"> – Lack of knowledge on standards for import controls for chemicals (Ecuador) 	<p>Implementation by individual Parties under Articles 15.1⁵² and 16⁵³ of the Convention.</p>

⁴⁹ See footnote 16.

⁵⁰ The resource kit is available at <http://www.pic.int/Implementation/ResourceKit/tabid/1064/language/en-US/Default.aspx>.

⁵¹ 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>.

⁵² See footnote 16.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
	respect to the development of import standards	<p>authorities with respect to the development of standards for identifying pesticides and hazardous chemicals at import controls, based on experiences in other countries.</p> <p>– Afghanistan (PA-4) proposes the development of national standards for goods (e.g. consumer goods) containing chemicals.</p>	<p>– Lack of exchange of experiences with other countries on the application of import controls for chemicals (Ecuador)</p> <p>– Lack of information on production, trade and uses of chemicals (Afghanistan)</p> <p>– Lack of information on hazardousness (Afghanistan)</p> <p>– Lack of information on supply chains (Afghanistan)</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> <p>The specific issue of pollution standards for imported goods falls outside the scope of the Rotterdam Convention.</p>
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)	<p>Implementation by individual Parties under Articles 15.1⁵⁴ and 16⁵⁵ of the Convention.</p> <p>Activities to assist Parties with establishing trade control mechanisms could also be part of the TA plan.</p>
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)	<p>– Lack of information on chemicals and their adverse effects (Afghanistan)</p> <p>– Lack of data on chemical release (Afghanistan)</p> <p>– Lack of data on soil, water, waste sludge, etc. contamination (Afghanistan)</p> <p>– Lack of monitoring data to inform policies (Afghanistan)</p>	<p>Implementation by individual Parties under Articles 15.1⁵⁶ and 16,⁵⁷ through the TA plan and/or technology transfer.</p> <p><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</p>

⁵³ See footnote 8.

⁵⁴ See footnote 16.

⁵⁵ See footnote 8.

⁵⁶ See footnote 16.

⁵⁷ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
				officers on hazardous chemicals and wastes under the Basel, Rotterdam and Stockholm conventions, ⁵⁸ 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. ⁵⁹
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 	– 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 ⁶⁰ of the Convention and through the TA plan.

⁵⁸ 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>.

⁵⁹ See <http://www.pic.int/TheConvention/Chemicals/HarmonizedSystemCodes/tabid/1159/language/en-US/Default.aspx>.

⁶⁰ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<ul style="list-style-type: none"> Increasing education and awareness campaigns Parties offering mentoring or secondments Developing model regulatory frameworks 		<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.⁶¹</p> <p>Implementation by individual Parties under Article 16⁶² 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).⁶³ 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>

⁶¹ See <http://www.pic.int/Implementation/ResourceKit/tabid/1064/language/en-US/Default.aspx>.

⁶² See footnote 8.

⁶³ 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>.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
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)	Could be implemented in the context of the development of the clearing-house mechanism for information exchange. <i>Note:</i> Some of the PIC procedures are already available as only system, such as for the submission of import responses ⁶⁴ and FRA notifications ⁶⁵ .

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- 	<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) 	Implementation through public awareness activities and materials. <i>Note:</i> The resource kit includes the guidance document to DNAs on the operation of the Rotterdam Convention (Arabic, English, French, Russian, Spanish). ⁶⁶

⁶⁴ See <http://www.pic.int/Procedures/ImportResponses/FormandInstructions/tabid/1165/language/en-US/Default.aspx>.

⁶⁵ See <http://www.pic.int/Procedures/NotificationsofFinalRegulatoryActions/FormandInstructions/tabid/1182/language/en-US/Default.aspx>.

⁶⁶ 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
		<p>raising activities to ensure that relevant stakeholders (national governments, industry, etc.) have correct information on the Convention and its objectives.</p> <ul style="list-style-type: none"> – 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 include MEAs into educational programs contribute to the low level of public awareness. 		
311	Awareness on risks associated with chemicals	<ul style="list-style-type: none"> – 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. 		<p>Implementation by individual Parties under Articles 14.1⁶⁷ and 15.2⁶⁸ of the Convention and through public awareness activities and materials.</p> <p><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.</p>

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

320	Improve information-exchange	<ul style="list-style-type: none"> – 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. 		<p>Implementation by individual Parties under Article 14.1⁶⁹ 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>
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⁶⁷ See footnote 30.

⁶⁸ See footnote 7.

⁶⁹ See footnote 30.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		workshops, websites, etc.) for Parties to share information (open data, databases, tools, etc.) supporting implementation at the national level.		
		<ul style="list-style-type: none"> – 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 directly communicate with the Secretariat and other regional networks. – 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. 	<ul style="list-style-type: none"> – Little real-time information-exchange between Parties and the Secretariat and between Parties – Lack of online platform to submit national information. The use of regular channels for information transmission delays access to that information – Different opinions on the implementation of the Convention 	<p>Implementation by individual Parties under Articles 14.1⁷⁰ and 15.3⁷¹ 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> <p>Implementation by individual Parties under Article 15.3⁷² 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 14.1⁷³ 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 	<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 	<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>

⁷⁰ See footnote 30.

⁷¹ See footnote 19.

⁷² See footnote 19.

⁷³ See footnote 30.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		timely update of contact information for OCPs and DNAs.	(Venezuela)	
322	Improve availability of information on chemicals management systems in developed countries	– 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.	– Lack of examples, reports and presentation on those countries (Kuwait)	Implementation by individual Parties under Articles 14.1 ⁷⁴ and 16 ⁷⁵ of the Convention. 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.
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	– 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	– 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)	Implementation by individual Parties under Articles 14.1 ⁷⁶ and 15.2 ⁷⁷ of the Convention, for example in combination with a COP decision mandating the Secretariat to solicit and consolidate information on alternatives from Parties. 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. ⁷⁸ <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 formulations ⁷⁹ 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

⁷⁴ See footnote 30.

⁷⁵ See footnote 8.

⁷⁶ See footnote 30.

⁷⁷ See footnote 7.

⁷⁸ In the case of the Stockholm Convention, the COP has tasked the POPRC to evaluate the alternative to avoid recommending potentially (more) dangerous chemicals.

⁷⁹ 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
		<p>are listed or recommended for listing.</p> <ul style="list-style-type: none"> – 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. 		<p>Rotterdam Convention website.</p> <p>The focus of the Convention is information-exchange rather than development of alternatives.</p>
<p>3. Actions to determine and address non-compliance with the provisions of the Convention</p>				
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.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
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 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. 	<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 15.1⁸⁰ and 16⁸¹ 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>
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 	<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 15.1⁸² and 16⁸³ 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</p>

⁸⁰ See footnote 16.

⁸¹ See footnote 8.

⁸² See footnote 16.

⁸³ See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<p>transition receive financial assistance to develop and build awareness of legal frameworks and regulatory and administrative measures to implement the Convention.</p> <p>– 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.</p>		<p>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>

6. Actions to strengthen Parties' institutions for national implementation

360	<p>Establishment of specialist unit for chemicals to translate international obligations into national-level action</p>	<p>– 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).</p>	<p>– Lack of information on safety and socio-economic aspects of the use of chemicals (Afghanistan)</p> <p>– Lack of information chemical properties and risks (Afghanistan)</p> <p>– Lack of information on risk management and worker safety (Afghanistan)</p> <p>– Unavailability of information to downstream, government authorities and the general public (Afghanistan)</p> <p>– Lack of expertise on diagnosis of chemicals illness due to exposure (Afghanistan)</p> <p>– Lack of technical expertise for chemicals management (Afghanistan)</p>	<p>The establishment of such units is not a requirement under the Rotterdam Convention. However, Article 15.1⁸⁴ 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 Programme⁸⁵ 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>
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⁸⁴ See footnote 16.

⁸⁵ 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) 	Implementation by individual Parties under Articles 15.1 ⁸⁶ of the Convention. Activities to assist Parties in improving institutional coordination could also be part of the TA plan.
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) 	Implementation through translation of tools or guidance, which could be part of the implementation of the TA plan.
371	Train national officers in writing	<ul style="list-style-type: none"> – Kuwait (PA-1) proposes training in writing reports for all aspects of the 	<ul style="list-style-type: none"> – Lack of understanding how reports must be written for different aspects of 	Implementation by individual Parties under Articles 15.1 ⁸⁷ and 16 ⁸⁸ of the

⁸⁶ See footnote 16.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
	notifications and other submissions required under the Convention	Convention.	the Convention and whether there is an official formula that should be followed (Kuwait)	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	<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 15.2⁸⁹ and 16⁹⁰ 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. Jordan (PA-1) proposes technical assistance and capacity-building for the 	<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) Lack of information on best approaches to address those gaps (EU and its member States) 	<p>Implementation by individual Parties under Articles 15.1⁹¹ and 16⁹² 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>

⁸⁷ See footnote 16.

⁸⁸ See footnote 8.

⁸⁹ See footnote 7.

⁹⁰ See footnote 8.

⁹¹ See footnote 16.

⁹² See footnote 8.

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
		<p>implementation of the Convention, such as programs for scientific and technical training of personnel, including customs personnel.</p> <ul style="list-style-type: none"> – 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 and import), the establishment of mechanisms for interaction between 	<ul style="list-style-type: none"> – 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>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 on chemicals and pesticides should be made available in all six languages. 		

Ref.	Priority action	Summary of priority action	Key information gaps	Legal and operational implications
374	Promote technology transfer to developing countries	<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 ⁹³ 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 Convention⁹⁴</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. through existing mechanisms) requires a COP decision amending the Convention text.</p> <p>The amendment would enter into force after ratification, acceptance or approval</p>
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⁹³ See footnote 8.

⁹⁴ 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>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 preparing timely and acceptable proposals in accordance with guidelines provided by funding agencies. 	<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
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.

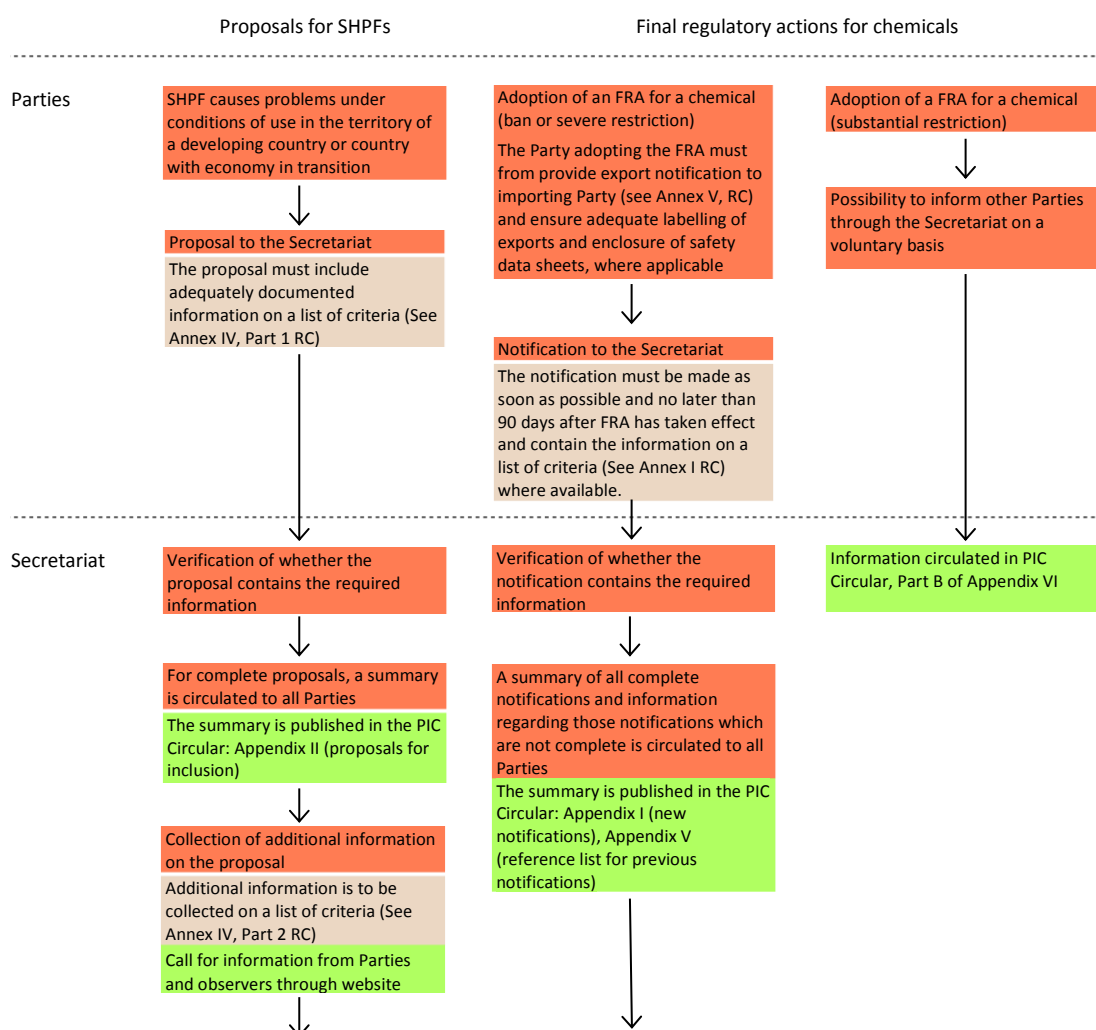
Appendix

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

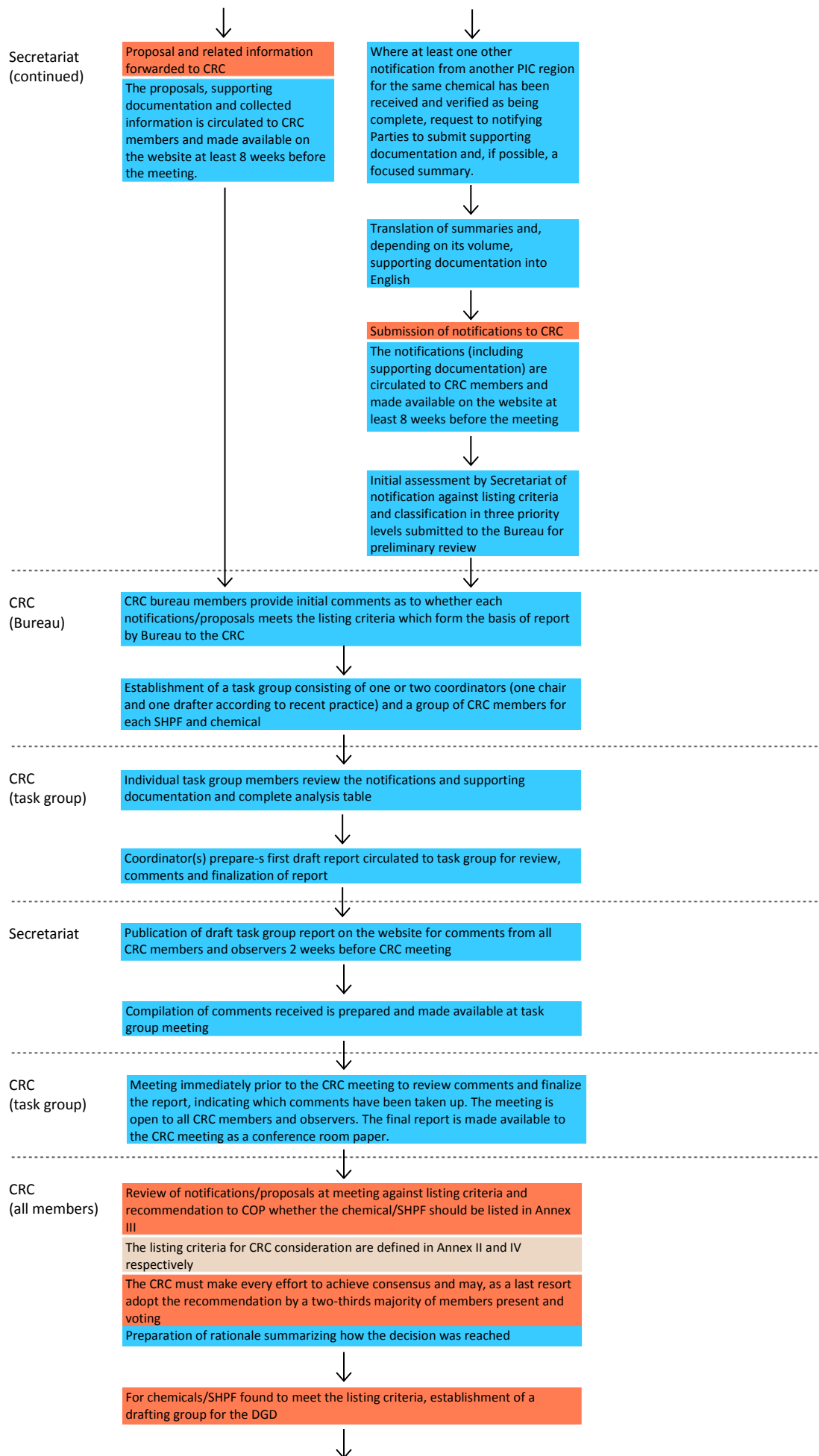
The following diagram provides an overview on the main steps of the process for listing chemicals in Annex III and the prior informed consent procedure of the Rotterdam Convention. Each step is highlighted in a colour that indicates the basis for the described action, which also allows conclusion about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

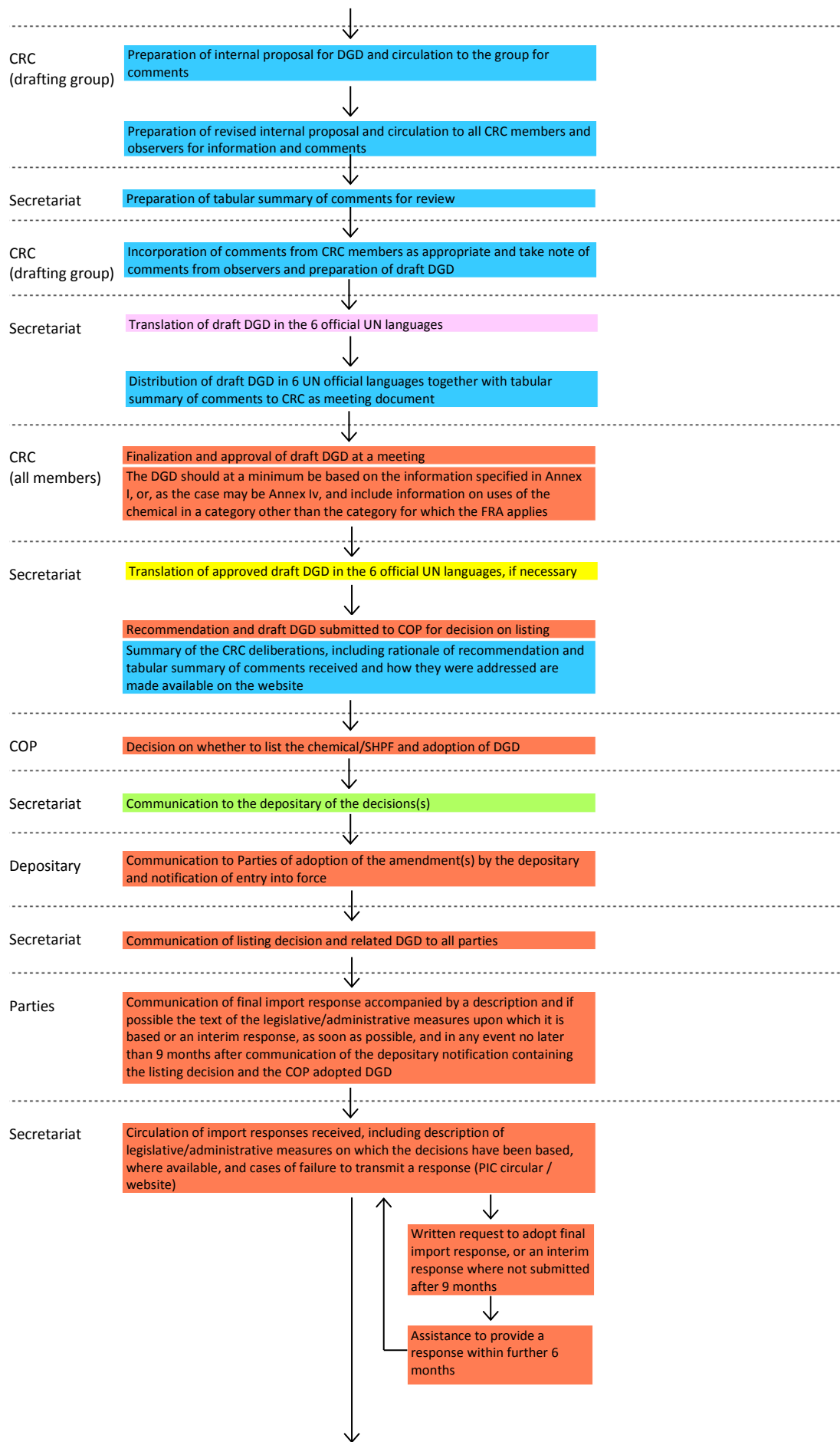
(a)	Steps highlighted in orange have their source in the Convention text;
(b)	Steps highlighted in brown have their source in the text of an Annex to the Convention;
(c)	Steps highlighted in yellow have their source in the rules of procedure of the COP (See decision RC-1/1);
(d)	Steps highlighted in 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 ⁹⁵ ;
(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



⁹⁵ 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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