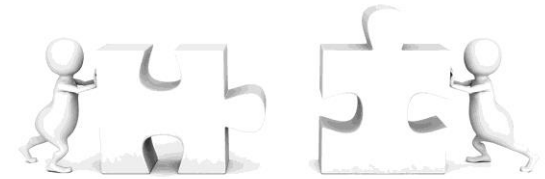


Implementation of the Rotterdam Convention in the European Union

Capacity Building for Chemicals Life Cycle
Management under the Rotterdam
Convention

Webinar, 10 February 2022

Salla Gynther
PIC Operations Team
European Chemicals Agency (ECHA)



Two main procedures

Export Notification

- Exporters based in an EU Member State have to notify their intentions to export Annex I chemicals to a non-EU country

Explicit Consent

- In addition to the notification requirement, certain exports are also subject to the existence of a valid explicit consent granted by the Designated National Authority (DNA) of the importing country.

The Export Notification procedure

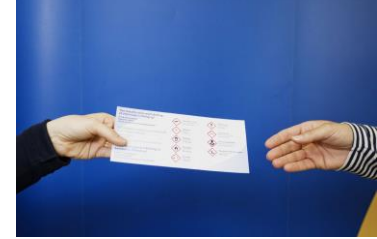




Export Notification procedure

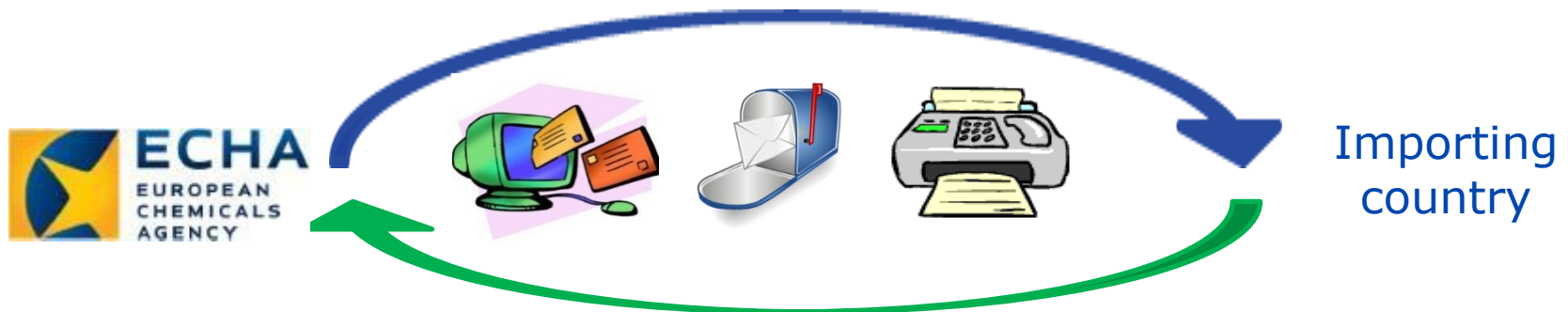
As defined by Article 12 of the Rotterdam Convention:

- Where a chemical that is banned or severely restricted by a Party is exported from its territory, **an export notification shall be provided prior to the first export** following adoption of the corresponding final regulatory action. Thereafter, the export notification shall be provided before the first export in any calendar year
- The **importing Party should acknowledge receipt** of the first export notification received after adoption of the final regulatory action
 - The EU is requesting an acknowledgement of receipt for any subsequent export notification that is submitted for that chemical



EU Export Notification procedure

1. Export Notification



2. Acknowledgment of receipt

- The acknowledgement of receipt (either via the completed form or via simple reply to ECHA's original email) should be sent back to ECHA **within 30 days**
 - If this is not acknowledged, ECHA sends the export notification for a second time

Export Notification form



ROTTERDAM CONVENTION

SECRETARIAT FOR THE ROTTERDAM CONVENTION ON THE
PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN
HAZARDOUS CHEMICALS AND PESTICIDES IN
INTERNATIONAL TRADE



Form for Export Notification

Note for the importing party: This export notification is sent by the European Chemicals Agency on behalf of the European Commission and of the exporting Member State in accordance with Article 12 of the Rotterdam Convention. The European Chemicals Agency will only notify the first yearly export from the European Union to your country of the chemical, mixture or article identified below. You are kindly requested to acknowledge receipt of this export notification within 30 days of the date indicated in section 7, preferably by using the attached form. Please note that this export notification form deviates from the form established under the Convention in order to comply with legal requirements in the European Union. All changes stemming from European Union legislation are marked with an asterisk *.

Reference number	<input type="text"/>
Exporting party	<input type="text"/>
Importing party	<input type="text"/>

SECTION 1

IDENTITY OF THE CHEMICAL SUBJECT TO THE EXPORT NOTIFICATION

1.1	Common name	<input type="text"/>
1.2	Chemical name according to an internationally recognized nomenclature (e.g. IUPAC)	<input type="text"/>
1.3	Code numbers	
1.3.1	CAS number	<input type="text"/>
1.3.2	EC number*	<input type="text"/>
1.3.3	Harmonized system customs code	<input type="text"/>
1.3.4	CN code*	<input type="text"/>



ROTTERDAM CONVENTION

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Form for Acknowledging Receipt of Export Notification

This is to acknowledge the receipt of the export notification

Name of the importing party	<input type="text"/>
Reference number of the export notification	<input type="text"/>
Chemical name	<input type="text"/>

Date, signature of the designated authority in the importing party and official seal:

Please send the acknowledgment within 30 days of the date indicated in section 7 to the exporting party at the following address:

Name and address	<input type="text"/>
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EU Export Notifications

Important to know



Export Notifications – Clarifications (1/2)

- **Acknowledgement of receipt:**
 - does not imply acceptance of the import: it is just an indication that the notification has been well received
 - can be done by simple return of email if the form cannot be printed/filled-in/sent back
 - each export notification sent is expected to be acknowledged (they can also be grouped and acknowledged in one email)
- For certain substances (Annex I, Part 1 only), which are banned/severely restricted within the EU under only one sub-category of a Convention use category, **the export cannot be blocked by the EU**; however, we can inform the EU exporters that their export may be blocked when reaching your territory

Export Notifications – Clarifications (2/2)

- Expected amount of substance/mixture is an **estimate**: the actual amount exported can be different

SECTION 3		INFORMATION CONCERNING THE EXPORT
3.1	Expected date of first export (dd.mm.yyyy)	
3.2	Expected amount of the substance or mixture (kg/l per year)	
3.3	Foreseen category (industrial chemical or pesticide) and foreseen use in importing country	

- In general and unless specified otherwise by the importing country, **once notified** by an EU exporter for the first time **in a given year**, no notifications are required to be sent by the EU for the next exports in the same year to the same **importing country**, even when:
 - exported from the EU by another company
 - imported in the importing country by another company
 - imported for other specific use than the initial one, as long as it remains in the same category/ies of uses (pesticide / industrial chemical)

Export Notifications

Uses within EU vs. uses in the importing country



How it is **regulated and used**
in the EU

SECTION 6 SUMMARY INFORMATION ON FINAL REGULATORY ACTION TAKEN BY THE EXPORTING COUNTRY

6.1 Summary of and reasons for the final regulatory action and data of entry into force

6.2 The final regulatory action has been taken for the category

Pesticide Industrial chemical

Please indicate:

- use or uses prohibited
- use or uses that remain allowed
- where available, estimated quantity of the chemical produced, imported, exported and used



How it will be **used**
in the importing country

SECTION 3 INFORMATION CONCERNING THE EXPORT

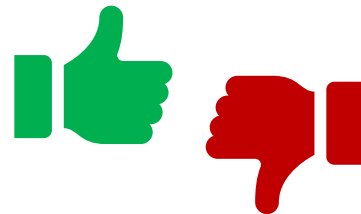
3.1 Expected date of first export (dd.mm.yyyy)

3.2 Expected amount of the substance or mixture (kg/l per year)

3.3 Foreseen category (industrial chemical or pesticide) and foreseen use in importing country

The Explicit Consent procedure

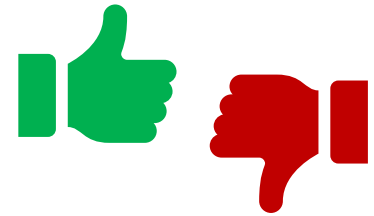




Explicit Consent procedure

Applies when:

- the chemical is listed in Annex III to the Rotterdam Convention and if:
 - the importing Party did not provide an import response, or
 - the importing Party already provided a response but for a use category that is different to the one for which the product is to be exported, or
 - the importing country is not a Party to the Rotterdam Convention
- the chemical is not listed in Annex III of the Rotterdam Convention, but is banned or severely restricted in the EU (*listed in Annex I, Part 2 of the EU PIC Regulation*) in a Convention use category



EU Explicit Consent procedure

1. Explicit Consent request



Member
State
DNA



Importing
country

2. Explicit Consent response

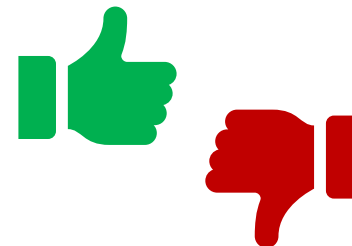
In the absence of a response, reminder is sent twice by ECHA
(**30** and **60** days after the initial request)

1. Explicit Consent reminder



Importing
country

2. Explicit Consent response



Explicit Consent request form

IMPORTING COUNTRY RESPONSE TO REQUEST FOR EXPLICIT CONSENT

SECTION 1A. CHEMICAL IDENTITY, IF THE FORM EXPORTED IS A SUBSTANCE (TO BE COMPLETED BY EXPORTING DNA)

Name of chemical	
CAS No.	

SECTION 1B. CHEMICAL IDENTITY, IF THE FORM EXPORTED IS A MIXTURE OR PREPARATION (TO BE COMPLETED BY EXPORTING DNA)

Name of mixture or preparation	
Name of chemical and % concentration	
CAS No.	

SECTION 2. RESPONSE TO THE REQUEST FOR EXPLICIT CONSENT

Do you consent to import?

- YES (Please complete sections 3 to 10)**
 NO (Please complete sections 3 and 8 to 10)

SECTION 3. TO WHICH OF THE FOLLOWING USE CATEGORIES DOES YOUR RESPONSE APPLY?

(A) Pesticide	<input type="checkbox"/> Yes <input type="checkbox"/> No	(B) Industrial chemical	<input type="checkbox"/> Yes <input type="checkbox"/> No
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SECTION 4. IF CONSENT IS GIVEN IN SECTION 2, AND THE CHEMICAL IS IN THE FORM OF A MIXTURE OR PREPARATION, THEN:

Does the consent extend to other mixtures or preparations containing the same chemical? Yes No
 If Yes, please specify the concentrations and/ or the mixtures or preparations that are allowed :

Does the consent extend to the chemical in the form of a pure substance? Yes No

SECTION 5. IF CONSENT IS GIVEN IN SECTION 2, AND THE CHEMICAL IS IN THE FORM OF A SUBSTANCE, THEN:

Does the consent extend to mixtures or preparations containing that substance? Yes No
 If Yes, please specify the concentrations and/ or the mixtures or preparations that are allowed :

SECTION 6. IF CONSENT IS GIVEN IN SECTION 2, ARE THERE ANY RESTRICTIONS OR CONDITIONS ATTACHED TO THE CONSENT? (for example, limitations on the use of the chemical, specific registration or licensing requirements)

Yes No

If Yes, please specify the restrictions or conditions:

SECTION 7. IF CONSENT IS GIVEN IN SECTION 2, DOES IT HAVE ANY TIME LIMIT?

Yes No

If Yes, please specify the length of time (preferably in number of months or years) it applies:

Please Note: The requirements of importing countries can change over time. So where consent to import is given for more than 3 years or without time limit, under EU law the importing country is routinely asked again for its consent before the end of the 4th year, at the latest. Pending a response to such a request, exports may still continue for a period of up to 12 months after the expiry of the consent or of the 3-year period. Please inform us in case you wish to withdraw your consent at an earlier date than initially provided.

SECTION 8. ARE USES OF THE CHEMICAL FROM ALL SOURCES (DOMESTIC PRODUCTION FOR DOMESTIC USE AND IMPORTS FROM OTHER COUNTRIES) TREATED THE SAME AS THE PROPOSED EXPORT FROM THE EU?

Yes No

If No, please specify the reasons why :

SECTION 9. ANY OTHER RELEVANT INFORMATION

SECTION 10. NAME AND ADDRESS OF THE DNA OF THE IMPORTING COUNTRY

Institution	
Address	
Contact name	
Telephone	
Telefax	
E-mail address	
Date	

EU Explicit Consent requests

Important to know



Explicit Consent – Clarifications and tips

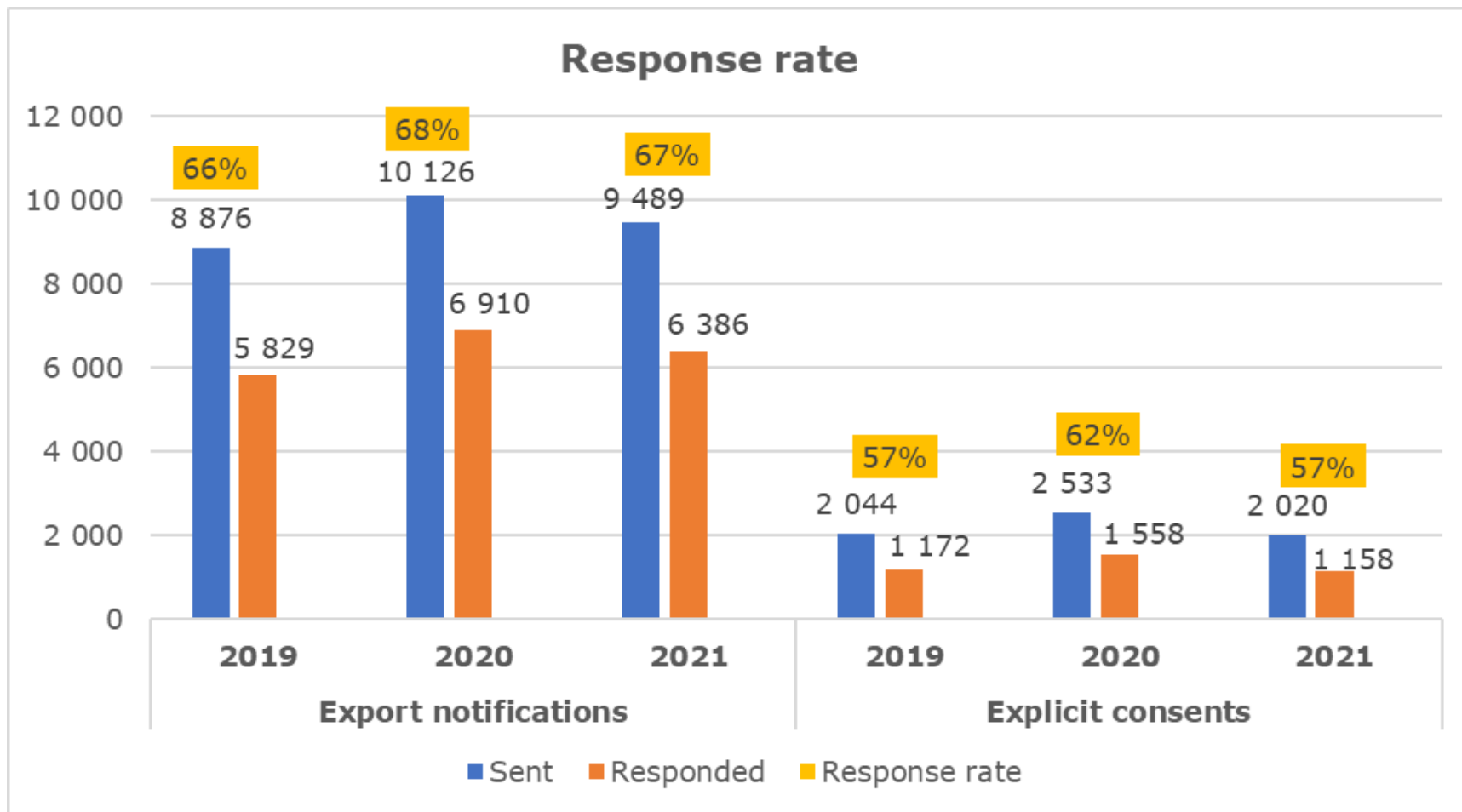
- In the absence of response to the request for an explicit consent, the export from the EU is **blocked**

***NB!** No legal basis to block exports of certain chemicals that are only subject to the Export Notification procedure, but not to the Explicit Consent requirement (“Part 1 only” chemicals)*

- The explicit consent response should reflect the national legislation for the notified chemical

Conclusions





Take home messages



- Please:
 - Confirm that the exchange of information is working
 - ➔ acknowledge reception of EU export notifications
 - Take full advantage of the PIC procedure
 - ➔ respond to explicit consent requests
- Please inform the Secretariat and ECHA (pic@echa.europa.eu) of any change in your contact details
- Please provide your responses to the EU Member State DNA or to ECHA → because the explicit consent procedure is a procedure dealt between authorities, responses provided to companies are not valid
- Do not hesitate to contact us if you have any question!

Where can I find more information?

- EU PIC Regulation
(<https://echa.europa.eu/regulations/prior-informed-consent/legislation>)
- Procedures:
 - Export Notification procedure (<https://echa.europa.eu/regulations/prior-informed-consent/export-notification-procedure>)
 - Explicit consent requirement (<https://echa.europa.eu/regulations/prior-informed-consent/explicit-consent-requirement>)
- List of chemicals subject to the PIC Regulation
(<https://echa.europa.eu/information-on-chemicals/pic/chemicals>)
- To search for information on trade with your country:
 - Statistics on Export/Import notifications (<https://echa.europa.eu/information-on-chemicals/pic/export-notifications>)
 - Explicit consents (<https://echa.europa.eu/information-on-chemicals/pic/explicit-consents>)
 - Annual reporting on PIC exports and imports (<https://echa.europa.eu/regulations/prior-informed-consent/annual-reporting-on-pic-exports-and-imports>)

Thank you!

Any questions or
feedback?

pic@echa.europa.eu