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Capacity Building for Chemicals Life Cycle Management under the Rotterdam Convention: Implementation of the Convention by Switzerland

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Background

- **10 February 2002** Switzerland ratified Rotterdam Convention.
- **24 February 2004** Entry into force of Convention.
- **1. January 2005** Entry into force of PIC-Ordinance: implements the Rotterdam Convention.
- **1. January 2021** Entry into force of severe restriction of export of certain banned phytosanitary products.



PIC Ordinance (ChemPICO, of 10 November 2004)

- Aim
- Scope
 - Excluded chemicals
 - Threshold quantity for R&A
- Definitions:
 - Substances, mixtures, severely hazardous pesticide formulations
 - Threshold concentration in mixtures

- Obligations of Exporters and Importers
- Duties of the Authorities
- Final provisions
- Annexes 1 & 2

Obligations of exporters: Notification of exports

Several tools available

FOEN website

The screenshot shows the FOEN website page for 'Prior Informed Consent PIC'. The page header includes 'ors, maps' and 'The FOEN'. The main content area has a breadcrumb trail: 'Information for specialist > Regulations and procedures > Prior Info'. The title is 'Prior Informed Consent PIC'. Below the title, there is a paragraph: 'The PIC Ordinance regulates the import and export of certain hazardous substances and pesticides.' Another paragraph mentions 'The Ordinance on the Rotterdam Convention on the Prior Information Procedure for Certain Chemicals in International Trade (Chemical Convention) into force on 1 January 2005.' A final paragraph states 'It regulates the import and export of certain hazardous chemicals and implements the Rotterdam Convention on the Prior informed consent procedure.'

[Prior Informed Consent PIC \(admin.ch\)](http://www.admin.ch)

Customs tariff data base

The screenshot shows a table of customs tariff data. The table has two columns: a numerical code and a description. The first row is '3808.91' with description '-- insecticides:'. The second row is '3808.9180' with description '--- other'. Below the table, there are sections for 'Permit obligation:' and 'Non-customs provisions:'. The 'Permit obligation:' section lists 'Permit office' with links for 'BWIP' (goods for civil use) and 'FOEN' (Substances a...). The 'Non-customs provisions:' section lists 'PIC', 'Waste (amber control)', and 'Waste (green control)'. A red arrow points from the 'FOEN' link to the 'PIC' link. Below the table, there is a section for 'Remarks on how to fill out the declaration / additional data' and 'Net mass Supplementary units'.

[Tares: Login \(admin.ch\)](http://www.admin.ch)

Online customs declaration

The screenshot shows the online customs declaration system interface. The header includes 'Office fédéral de la douane'. Below the header, there are buttons for 'Envoyer', 'Ajouter', 'Supprimer', 'Navigation', and 'Mar'. The main content area shows 'déclaration en douane d'exportation > Données d'article > Position 1 (ALAD)'. Below this, there is a section for 'Actes législatifs autres que douaniers (ALAD)'. A dropdown menu for 'Code d'assujettissement ALAD' is set to '1 ALAD oui'. Below this, there is a field for 'Code de genre d'ALAD' with the value 'PIC'. A red arrow points to the 'PIC' value in the dropdown menu.

[e-dec web \(admin.ch\)](http://www.admin.ch)

Duties of Swiss DNA:

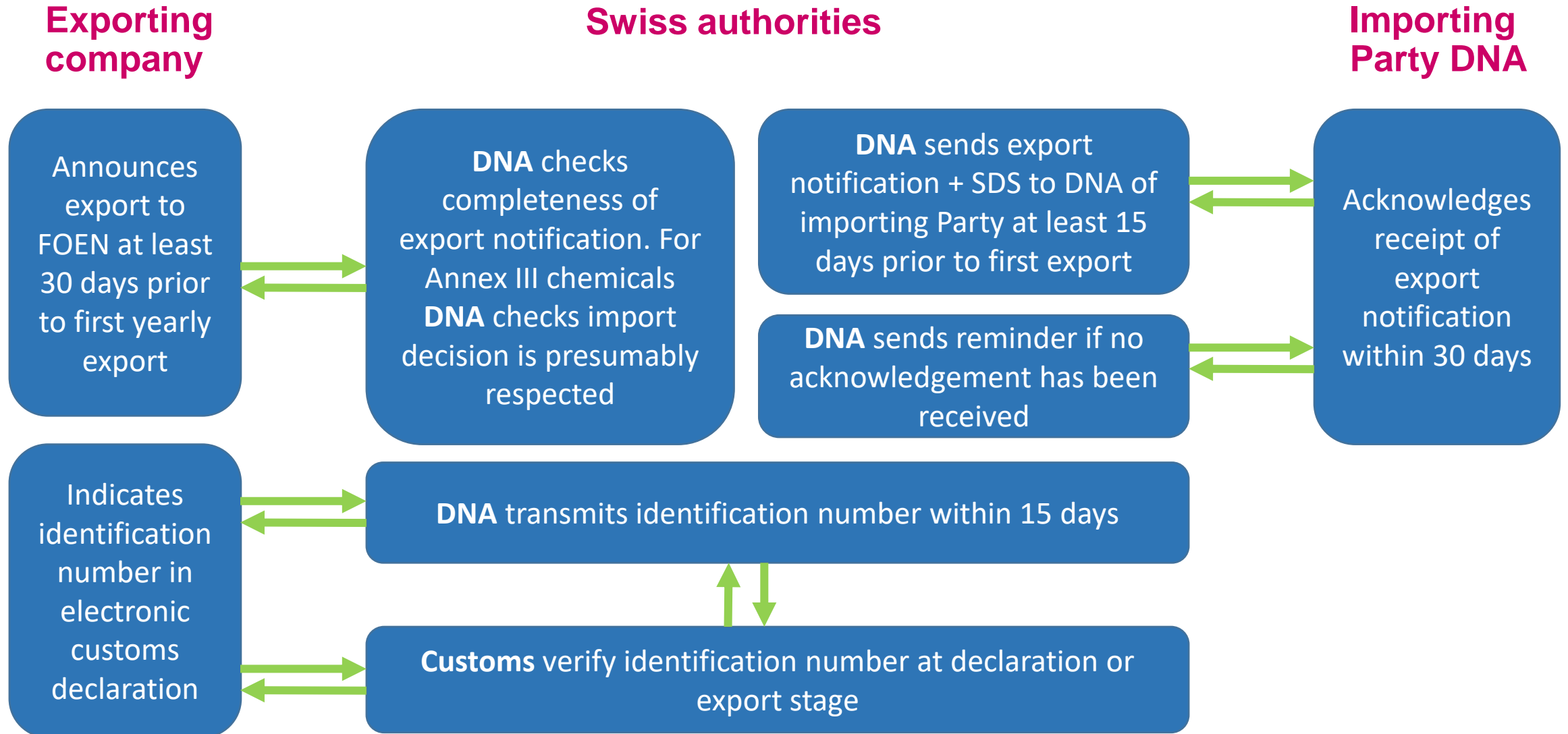
- DNA prepares and sends export notification to importing Party DNA.
- DNA sends identification number to customs administration and to exporter to be mentioned in export declaration.
- DNA checks export statistics received from customs administration.
- DNA Acknowledges receipt of export notification from exporting Parties.
- Public information: Information on received and sent export notifications published on FOEN website.

Collaboration with customs administration

- DNA informs customs administration on the identification numbers issued.
- Customs officer can stop an export of a chemical covered by the Convention if the declaration doesn't carry the identification number.
- Customs administration send on a regular base export statistics on specific tariff numbers.
- FOEN and customs administration collaborate to develop and update the work procedure of the customs officers regarding the enforcement of the Rotterdam Convention at the border.



Export notification process, export control of Annex III chemicals



Import decisions

- FOEN in consultation with concerned offices takes import decision.
- Importers have to comply with the import decisions (Article 7, PIC Ordinance).

ChemicalName	Category	Party	Party Response	Decision	Date published
2,4,5-T and its salts and esters	Pesticide	Switzerland	Final decision	No consent to import	12/6/2010
Alachlor	Pesticide	Switzerland	Final decision	No consent to import	12/6/2012
Aldicarb	Pesticide	Switzerland	Final decision	Consent to import only subject to specified conditions	12/6/2012
Aldrin	Pesticide	Switzerland	Final decision	No consent to import	12/6/2010
Azinphos-methyl	Pesticide	Switzerland	Final decision	No consent to import	12/12/2014
Binapacryl	Pesticide	Switzerland	Final decision	No consent to import	12/6/2010

Update of chemicals subject to export notification obligation

FOEN in consultation with concerned offices and after a public hearing decides about the chemicals that are made subject to the export notification procedure.

- Banned or severely restricted industrial chemicals.
- Industrial chemicals that are subject to authorization obligation for which no uses or only a few essential uses are authorized.
- Active ingredients of phytosanitary products that have been excluded from the list of authorized active ingredients.
- Active ingredients of biocide products that have been excluded from the list of authorized active ingredients.
- Purpose of regulations is protection of human health and environment.

PIC Ordinance		814.82
<i>Annex 1³⁹</i> (Art. 2 para 1 let. a)		
Substances and preparations that are banned or subject to severe restrictions in Switzerland		
Substances marked with the symbol # in this Annex are also substances or components of severely hazardous pesticide formulations that are subject to the PIC procedure (Annex 2).		
Substance/preparation	Relevant CAS number(s)	Category
1,1,1-trichloroethane	71-55-6	Industrial chemical
1,2-dibromoethane (Ethylene dibromide)#	106-93-4	Pesticide
1,2-dichloroethane (Ethylene dichloride) #	107-06-2	
1,3-dichloropropene	542-75-6	Pesticide
2-naphthylamine and its salts	91-59-8	Industrial chemical
2,4,5-trichlorophenoxy acetic acid and its salts #	93-76-5	Pesticide
2,4,5-trichlorophenoxy acetyl compounds		
2-(2,4,5-trichlorophenoxy) propionic acid and its salts		
2-(2,4,5-trichlorophenoxy) propionyl compounds		
2,4-dinitrotoluene (2,4-DNT)	121-14-2	Industrial chemical
4,4'-diaminodiphenylmethane (MDA)	101-77-9	Industrial chemical

Update of chemicals subject to PIC Procedure

- Chemicals subject to PIC Procedure are listed in Annex 2 of PIC Ordinance
- Update of Annex 2 is a straightforward process: information of concerned offices

814.82

Protection of the Ecological Balance

Annex 2⁴¹
(Art. 2 para. 1 let. b)

Substances and severely hazardous pesticide formulations subject to the prior informed consent procedure

(This Annex is identical to Annex III of the PIC Convention.)

Substance/severely hazardous pesticide formulation	Relevant CAS number(s)	Category
2,4,5-T and its salts and esters	93-76-5*	Pesticide
Alachlor	15972-60-8	Pesticide
Aldicarb	116-06-3	Pesticide
Aldrin	309-00-2	Pesticide
Azinphos-Methyl	86-50-0	Pesticide
Binapacryl	485-31-4	Pesticide
Captafol	2425-06-1	Pesticide
Carbofuran	1563-66-2	Pesticide
Chlordane	57-74-9	Pesticide
Chlordimeform	6164-98-3	Pesticide
Chlorobenzilate	510-15-6	Pesticide
DDT	50-29-3	Pesticide

An update of Annex 1 or 2 implies an update of the customs tariff data base

Example: Phorate

Tariff number	Text
2930	Organo-sulphur compounds:
2930.90	- other:
2930.9070	- - other

Statistical key: 930 - agro-chemical agents

Permit obligation:

Permit office	Tolerance:
<p>BWIP goods for civil and military use (dual-use goods). For goods which are not subject to a permit, the export declaration must be marked with "no permit required" (cf. "Remarks", "Permit Obligation").</p> <p>FOEN Substances and preparations for use as plant protection products by annex 2.5 no. 4.2.1 ORRChem www.admin.ch/opc/en/classified-compilation/20021520/index.html#app26</p>	<p>0 kg</p> <p>0 kg</p>

Non-customs provisions:

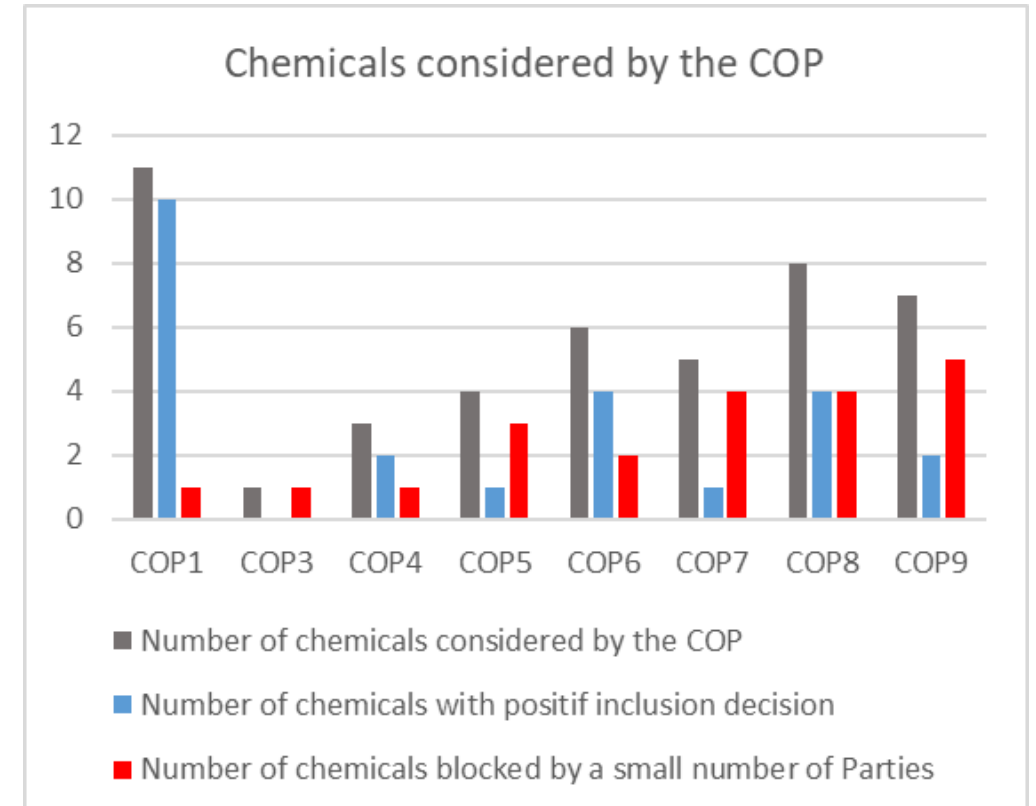
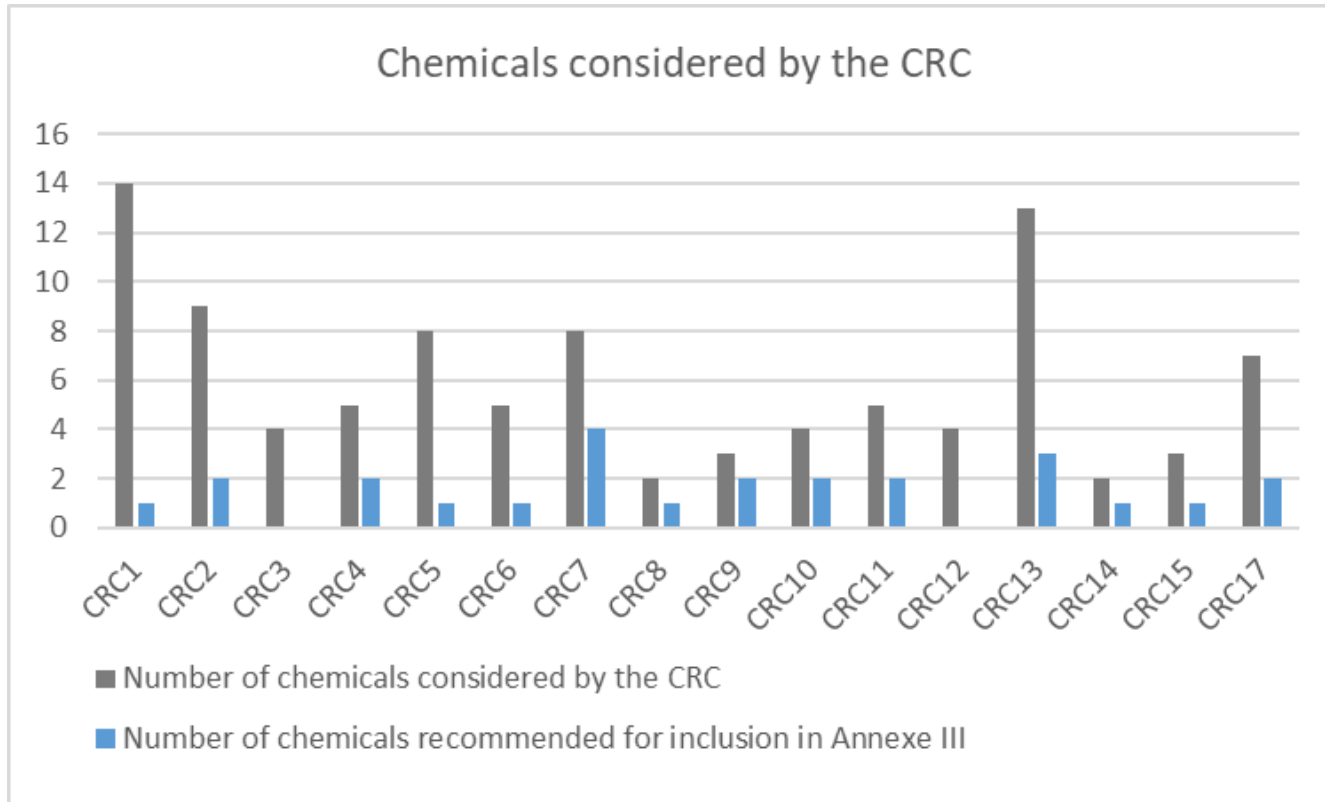
PIC acephate (CAS 30560-19-1); bensultap (CAS 17606-31-4); bis(trichlormethyl)sulfone (CAS 3064-70-8); cadusafos (CAS 95465-99-9); diafenthiuron (CAS 80060-09-9); ethion (CAS 563-12-2); fenthion (CAS 55-38-9); malathion (CAS 121-75-5); omethoate (CAS 1113-02-6); oxydemeton-methyl (CAS 301-12-2); **phorate (CAS 298-02-2) Annex 2**; profenofos (CAS 41198-08-7); terbufos (CAS 13071-79-9); tetradifon (CAS 116-29-0); thiodicarb (CAS 59669-26-0); thiometon (CAS 640-15-3); tolylfluanid (CAS 731-27-1); vamidothion (CAS 2275-23-2) (s. "Remarks", "PIC")

Notification of final regulatory action, listing of chemicals

- Bans, restrictions and authorizations of chemicals in Switzerland are widely harmonized with those in the European Union.
 - Bans, restrictions and authorisation are often related to EU risk assessments.
- ⇒ Notification of final regulatory action are composed of bridging information and locally generated data.
- Prerequisite for listing of chemicals in Annex III is at least two NFRAs from at least two PIC regions fulfilling listing criteria (Switzerland and EU are in the same PIC region).



The effectiveness of the Rotterdam Convention is not optimal



Risk evaluation \neq Risk assessment

All chemicals considered by the COPs fulfil listing criteria !

Export of certain phytosanitary product is severely restricted

Since 1 January 2021 new regulation for export of certain pesticides is in force (Annex 2.5, Chemicals Risk Reduction Ordinance):

- Export of a few specific phytosanitary active ingredients and their products are banned.
- Export of certain phytosanitary active ingredients and their products require an export licence.
- Export licence is only delivered if explicit consent from importing country (also non-Parties) has been granted.
- If explicit consent request remains unanswered: no possibility to waive export licence requirement.

Thank you for your attention

Any questions ?