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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN
INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR
THE APPLICATION OF THE PRIOR INFORMED CONSENT
PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND
PESTICIDES IN INTERNATIONAL TRADE

Tenth session

Geneva, 17-21 November 2003

Item 7 of the provisional agenda*

Preparation for the Conference of the Parties

ASSIGNMENT OF SPECIFIC HARMONIZED SYSTEM CUSTOMS CODES

Note by the secretariat

1. Article 13, paragraph 1, of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade provides as follows:

“The Conference of the Parties shall encourage the World Customs Organization to assign specific Harmonized System customs codes to the individual chemicals or groups of chemicals listed in Annex III, as appropriate. Each Party shall require that, whenever a code has been assigned to such a chemical, the shipping document for that chemical bears the code when exported.”

2. As reported to the Committee at its ninth session (UNEP/FAO/PIC/INC.9/17), good progress has been made in assigning Harmonized System (HS) customs codes to the chemicals in the Convention and the Secretariat is working closely with the secretariat of the World Customs Organization (WCO).

3. At its thirtieth session, held in November 2002, the HS Committee considered a proposal for assigning HS code numbers to chemicals covered by the Rotterdam Committee, jointly prepared by the WCO secretariat and the secretariat of the Rotterdam Convention, as well as a proposal prepared by the European Commission. The HS Committee decided to submit the matter to the Scientific Sub-Committee for examination.

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4. At its eighteenth session, held in January 2003, the Scientific Sub-Committee made a detailed examination of the proposals and reached agreement on all issues referred to it.

5. At its thirty-first session, held in May 2003, the HS Committee continued its examination of the proposal on the basis of recommendations of the Scientific Sub-Committee. It also considered a proposal from one of its member States to group all products covered by the Montreal Protocol and the Rotterdam Convention under one heading of the HS nomenclature, as well as comments from another member State regarding the classification of some of the products under the Rotterdam Convention. The HS Committee agreed to send the proposed amendments to the HS Review Sub-Committee for examination.

6. The HS Review Sub-Committee held its twenty-eighth session in Brussels from 8 to 19 September 2003. During the discussion there was insufficient support for the proposal to group all products covered by the Montreal Protocol and the Rotterdam Convention under one heading of the HS nomenclature and the proposal was withdrawn. The HS Review Sub-Committee completed its review of the proposed amendments and made a few adjustments, in particular to reflect that chemicals are included in the Rotterdam Convention under specific categories (pesticide, industrial or severely hazardous pesticide formulation – SHPF).

7. In conclusion, it is the understanding of the Secretariat that the process of assigning HS Custom Codes to the chemicals in the Rotterdam Convention is progressing favourably. The Secretariat has participated in the meetings of the relevant WCO committees and provided clarification and advice on matters related to the Rotterdam Convention.
