PART II

PRESENTATIONS
SESSION 1: OPENING

Presentation by the Secretariat

Slide 1

Organisation of the Workshop

KEY OBJECTIVES & STRUCTURE

Session 1

Slide 2

KEY OBJECTIVES

1. Encourage implementation of the interim PIC procedure and ratification of the Convention
2. Increase awareness of and benefits associated with the Rotterdam Convention
   - understanding of the inter-relationship with the Stockholm and Basel Conventions.

Slide 3

KEY OBJECTIVES

3. Provide practical training on the operation of the Convention
   - focus on country obligations
   - opportunity to fine tune/test forms and instructions

Slide 4

KEY OBJECTIVES

4. Develop a better understanding of the needs and constraints of countries
   - encourage countries to identify possible solutions including improved co-operation at the national and sub-regional levels.

Slide 5

STRUCTURE

11 SESSIONS

- Sessions 1 – 3  Introduction and overview
- Session 4 – Identification of challenges questions to consider
- Sessions 5 – 9  Practical experience in operational elements

Slide 6

STRUCTURE

- Session 10  Identify key next steps – priorities for action
- Session 11  Addressing challenges and questions

Session 1

86
Slide 7
STUCTURE
• Breakout groups
  – work together for the week
  – rotate chair for each session
  – consolidated report to plenary
• Moderators
  – for each session
  – work with breakout group chairs
  – report to plenary

Slide 8
STUCTURE
PRACTICAL SESSIONS
Plenary:
• Presentations by secretariat and invited speakers
• Explanation of work of the breakout groups
• Review consolidated report of breakout groups

Slide 9
STUCTURE
PRACTICAL SESSIONS
Breakout Groups:
• Summary note of the issue
• Case study
• Guidance questions - facilitate reporting to plenary
SESSION 2: INTRODUCTION TO THE ROTTERDAM CONVENTION

Presentation by the Secretariat

Slide 1
The Rotterdam Convention:
A General Overview

Slide 2
General Overview
• Objective of the Convention
• Brief history and background
• Introduction to the Convention
• Arrangements for the Interim Period
• Present status

Slide 3
Objective of the Convention
• To protect human health and the
environment from potential harm from
certain hazardous chemicals.
• How:
  – Alerts about hazardous chemicals
  – Provides the basis for decisions regarding
    future imports
  – Helps to enforce those decisions.

Slide 4
History and Background
The voluntary Prior Informed Consent (PIC) Procedure
1985 FAO Code of Conduct on the Distribution and Use
   of Pesticides (Amended 1999 and 2002)
1987 UNEP London Guidelines for the Exchange of
   Information on Chemicals in International Trade
   (Amended 1989)
1989-1998 UNEP/FAO Joint Program on the PIC
   procedure

Slide 5
History and Background
• The Negotiation Process
  - UNCED (RIO-1992)
  - Mandate from the governing bodies of UNEP
    and FAO (1995)
  - Intergovernmental Negotiations (1996-1998)

Slide 6
Overview of Articles
• 1-4: Objective, definitions, scope and
   DNAs
• 5-14: Procedures for inclusion and
   removing of chemicals and for
   export and import of chemicals
• 15-30: General obligations and common
   clauses
Chemicals presently in the Convention (Annex III)

27 Chemicals:
- 17 pesticides
- 5 severely hazardous pesticide formulations
- 5 industrial chemicals

Operational Articles
- Article 5: Procedures for banned or severely restricted chemicals
- Article 6: Procedures for severely hazardous pesticide formulations
- Article 7: Listing of chemicals in Annex III
- Article 8: Chemicals in the voluntary PIC procedure
- Article 9: Removal of chemicals from Annex III

General Obligations (Article 15)
- Strengthen national infrastructure to ensure effective implementation
- Ensure Public Access to information on:
  - Chemical handling,
  - Accident management;
  - Safer alternatives.
- Cooperate on regional and global level
- Right to take more stringent measures.

Technical Assistance (Article 16)
- Parties shall cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of the Convention;
- Parties with more advanced programs for regulating chemicals should provide technical assistance to other Parties in developing their infrastructure and capacity to manage chemicals.
Secretariat (Article 19)
• Arrange meetings of the CoP and its subsidiary bodies
• Facilitate assistance to Parties in implementing the Convention
• Ensure coordination with the secretariats of other international bodies
• Other functions specified in the Convention
• Performed jointly by UNEP and FAO

Other Provisions
• Article 20: Settlement of Disputes
• Article 21: Amendments to the Convention
• Article 22: Adoption and Amendment of Annexes

Arrangements for the Interim Period
• Adopted by the Conference of Plenipotentiaries
• Changes the voluntary PIC procedure to an interim PIC procedure in line with the provisions in the Convention
• Mandates INC to oversee the implementation of the interim PIC procedure and to prepare for the first meeting of the Conference of the Parties;

Arrangements for the Interim Period
• All chemicals in Annex III are subject to the interim PIC procedure
• All chemicals identified for inclusion under the voluntary PIC procedure will become subject to the interim PIC procedure as soon as the Decision Guidance Document (DGD) has been adopted by the INC

Arrangements for the Interim Period
• The INC will decide on the inclusion of new chemicals under the interim PIC procedure in accordance with the provisions of the Convention
• The INC will establish an interim CRC and define PIC regions on an interim basis
• Establishes an interim Secretariat performed jointly by UNEP and FAO

Present status
• 40 Parties to the Convention (50 needed for entry into force)
• Seven interim PIC regions defined by INC 6
• Interim Chemical Review Committee established by INC 6, 29 members, mandate extended by INC 9
• Five chemicals added to the interim PIC procedure
• 167 States - nominated 254 Designated National Authorities
SESSION 2: INTRODUCTION TO THE ROTTERDAM CONVENTION
Presentation by the Secretariat

Slide 1

Rotterdam Convention

KEY ELEMENTS

Slide 2

Key Elements

SUMMARY

- Objective of the Rotterdam Convention
- What chemicals are included and why
- Key Provisions
  - Prior Informed Consent procedure
  - Information Exchange

Slide 3

Key Elements

SUMMARY (cont’d)

- Key Players - who is involved
- Key Documents - what they are
- Operation of the Prior Informed Consent (PIC) Procedure
- Benefits

Slide 4

Rotterdam Convention

OBJECTIVE

- To promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use

Slide 5

Rotterdam Convention

How?

- by facilitating information exchange on potentially hazardous chemicals and their characteristics
- by providing for a national decision-making process on their import and export and production
- by obliging exporting countries to respect the decisions of importing countries

Slide 6

Rotterdam Convention

What it achieves

- Provides an early warning system on hazardous chemicals
- Enables the world to monitor and control the trade in certain hazardous chemicals
Rotterdam Convention

What it achieves
- Gives countries the power to decide which of these chemicals they want to import and to exclude those they cannot manage safely
- Where trade does take place, requirements for labeling and provision of information on potential health and environmental effects will promote the safe use of these chemicals

What chemicals are included
- 32 Chemicals
  - 27 in Annex III
  - 5 added during the interim period (1998)

How it will work - Key Elements
- Prior Informed Consent (PIC) Procedure
  - mechanism for formally obtaining and sharing the decisions of countries regarding future imports of chemicals subject to the Convention
- Information Exchange
  - provisions that facilitate information sharing on a broad range of potentially hazardous chemicals moving in international trade

How it will work - Key Players
- Designated National Authorities (DNAs)
- Conference of the Parties/Intergovernmental Negotiating Committee
- Chemical Review Committee
- Secretariat
How it will work - Key Documents

- Decision Guidance Documents (DGDs)
- PIC Circular

Key Documents

Decision Guidance Documents (DGDs)
- available for each chemical subject to the PIC procedure
- summarises why a chemical is included
- identifies additional sources of information
- assists DNAs in making informed decisions on future imports of the chemical

Key Documents

PIC Circular
- Issued every six months, December and June
- Lists all import decisions and failures to respond
- Information on banned or severely restricted chemicals and severely hazardous pesticide formulations
- Current list of DNAs

How it fits together

Operation of the PIC Procedure
- DGD is circulated to all participating countries with a request that they decide whether to accept future imports of the chemical
- Import decisions are circulated to all participating countries through the PIC Circular
- Exporting countries are to respect these decisions

The Prior Informed Consent Procedure

**NATIONAL ACTION**

Decision Guidance Document

Distribution
to all DNAs

Country

- Takes an import decision (interim or final), on the basis of information provided in the DGD

SECRETARIAT

- Reviews that the relevant information concerning the decision has been provided
- Replies to the country
- Informs world of proposal (PIC Circular)

**PIC CIRCULAR,**

by chemical:
- import response of countries
- failure list: countries not having submitted a response
### Slide 20

**Benefits of the Rotterdam Convention**

- Ability to control unwanted imports of chemicals subject to the Convention
- Notifications of exports of chemicals banned or severely restricted in the exporting Parties
- Information summaries of control actions to ban or severely restrict chemicals, in other Parties

---

### Slide 21

**Benefits of the Rotterdam Convention**

- Information on incidents involving severely hazardous pesticide formulations, in other Parties
- A network of DNAs in the region
- Access to DNAs in other regions with similar conditions
The Rotterdam Convention: What has been accomplished

- Overview of progress since September 1998
  - what has been achieved
- Activities under way and planned

Designated National Authorities (DNA)

As of January 2003:

- 254 designated national authorities from 167 countries

Interim Chemical Review Committee

- elected Chairman and Bureau
- three sessions convened (1/year)
- reconstituted at INC-9

ICRC accomplishments include:

- procedure for developing Decision Guidance Documents (DGDs)
- format of DGDs
- guidance for DGD drafting groups
ICRC accomplishments include:

- incident report form for Severely Hazardous Pesticide Formulations (SHPF)
- process developed for submission of proposals of SHPF

Addition of chemicals to the Interim PIC procedure

- 5 chemicals added (Binapacryl, Ethylene oxide, Ethylene dichloride, Toxaphene, Monocrotophos)
- new DGDs drafted for DNOC, Asbestos and a SHPF (Granox-Spinox)
- 4 additional chemicals scheduled for review (Parathion, Tributyltin compounds, Tetraethyl and Tetramethyl lead)

Meetings of the Intergovernmental Negotiating Committee (INC):

- INC-6: 12-16 July 1999, Rome
- INC-7: 30/10 - 3/11/2000, Geneva
- INC-8: 8-12 October 2001, Rome
- INC-9: 30 Sept/4 October 2002, Bonn

Tasks of the Intergovernmental Negotiating Committee

- Oversee implementation of the interim PIC procedure
- Prepare for the first Conference of Parties (COP1) – such as procedures for non-compliance, settlement of disputes, financial rules.

Progress in Ratification of the Rotterdam Convention

January 2003:

40 Parties to the Rotterdam Convention

Outreach to countries

- PIC Regional Workshops
- Sub-regional workshops in co-operation with Basel and Stockholm Conventions
  - Malaysia, Namibia, Australia

Outreach to countries

- Shift focus to practical training – based on feedback from DNAs
- Mechanism for input on what is working well, what could be improved

Activities under way and planned

- Training workshops: Africa, Latin America and Asia first half of 2003
- INC-10: November 2003 decision on inclusion of DNOC, Granox-Spinox and Asbestos
- ICRC-4: March 2003, Rome
Activities under way and planned

• Planned:
  - guidance for DNAs

• Completed:
  - revision of Convention website
  - distribution of SHPF report form/instructions
  - information brochure
SESSION 2: INTRODUCTION TO THE ROTTERDAM CONVENTION
Presentation by the Secretariat

Slide 1

Relationships among the Stockholm, Basel and Rotterdam Conventions

Slide 2

Overview
- Life Cycle Management
  - The 3 treaties together cover elements of “cradle-to-grave” management
  - Common thread = POPs
- Interlocking scope and coverage
- “Bridging” elements
- “Clustering” and governance issues

Slide 3

Overview

Slide 4

Scope and Coverage
- Evaluating/regulating new chemicals (PIC and POPs)
- Evaluating/regulating existing chemicals (PIC and POPs)
- Import/export controls (PIC, POPs and Basel)
- Disposal (POPs and Basel)
- Hazard communication (PIC, POPs and Basel)
- Environmental releases (POPs)
- Other links, eg, regional treaties

Slide 5

New and Existing Chemicals
- New Chemicals
  - “regulate with the aim of preventing the production and use of new pesticides or new industrial chemicals which… exhibit the characteristics of persistent organic pollutants”
- Existing Chemicals
  - “take into consideration within these schemes the criteria in paragraph 1 of Annex D when conducting assessments of pesticides or industrial chemicals currently in use”
- Banned or severely restricted chemicals must be notified under the Rotterdam Convention

Slide 6

Import/Export Controls (1)
- Rotterdam Convention is a first line of defence (keeps POPs problems from spreading or getting worse)
- 8 POPs are included in both Conventions
  - Aldrin
  - Chlordane
  - DDT
  - Dieldrin
  - Heptachlor
  - Hexachlorobenzene
  - PCBs
  - Toxaphene*
- Possible future POPs are also included (or can be included)
Import/Export Controls (2)

- Stockholm Convention Article 3(2) controls import/export
- Rotterdam Convention provides an “extension”
  - Reporting for trade under Stockholm Convention exemptions
  - Trade with Stockholm Convention non-Parties
  - Period until the Stockholm Convention enters into force
  - Trade in possible future POPs
  - Monitoring trade
  - Harmonized System Custom Codes
- Should be implemented consistently

Import/Export Controls (3)

- Rotterdam Convention/Basel Convention
- Covers trade in toxic chemicals and hazardous wastes
- Masquerades (wastes travelling as chemicals)
- Stockpiles (e.g., prevention)
- Illegal traffic
- Customs matters

Waste Management (1)

- Destroying POPs wastes
- Stockholm Article 6(1)(d)
  - “Picked up” by Basel
- Stockholm Article 6(2)
  - A – irreversible transformation
  - B - Environmentally sound disposal
- Stockholm Resolution 5
  - technical guidelines for the environmentally sound management of persistent organic pollutant wastes
  - Under development by Basel TWG

Waste Management (2)

- Preventing the creation of POPs in waste management practices
- Stockholm Article 5
- Annex C
  - Relevant Part II Source Categories:
    - Waste incinerators, including co-incinerators of municipal, hazardous or medical waste or of sewage sludge
    - Cement kilns firing hazardous waste
  - Relevant Part III Source Categories:
    - Open burning of waste, including burning of landfill sites
    - Waste oil refineries
    - Possibly others???

Waste Management (3)

- Basel Technical Guidelines:
  - PCBs
  - Dioxins
  - Furans
  - Others?

Technical Assistance/Technology Transfer

- SC Article 12, Paragraph 3
  - Bilateral technical assistance
  - Other technical assistance as agreed by COP
- SC Article 12, Paragraph 4
  - Technical assistance
  - Technology transfer
  - As agreed by COP
  - Regional Centres

Bridging Elements

- Technical Assistance
- Technology Transfer
- Regional Centres
- Financial Mechanism
- National Implementation Plans
- Policy Development (INC, COP and subsidiary bodies)

Regional Centres

- Established by the Basel Convention
- Required by the Stockholm Convention
- Interim period – use of BRCs for the Stockholm Convention?
- Should support for the Rotterdam Convention be included as well?
Slide 15

Basel Regional Centres

Slide 16

Financial Mechanism

- Stockholm Convention
  - Financial Mechanism
  - GEF
  - Other sources of funds
- Rotterdam Convention
  - Informal
- Basel Convention
  - Technical Cooperation Trust Fund

Slide 17

Financial Mechanism

- Leveraging resources
- Control of POPs production, import and use
- Disposal of POPs
- Waste disposal technologies
- Implementation Plans

Slide 18

“Clustering”

- International Environmental Governance
- General support for related conventions to look for opportunities to work more closely together
- “Chemicals and Waste Cluster” identified
- Agreement to encourage conventions to move forward taken in Cartegena (GMEF) in February
- First steps – administrative and policy linkages

Slide 19

Summary

- Framework for life cycle management
- Leveraged resources
- Strengthened programmes
  - Infrastructure
  - Risk Assessment
  - Risk Management
  - Public participation
  - Customs
  - Sustainable development
- Global/regional/national levels
The Rotterdam Convention: Overview of Signature and Ratification

- What is a Convention/Treaty
- Negotiations/Adoption
- Signature Period
- Ratification, acceptance, approval
- Accession
- National Steps to become a Party
- Financial Considerations
- Regional Status

What is a Convention/Treaty

- A Convention/Treaty is an agreement between States in written form, governed by international law
- It creates rights and obligations under international law
- Binding FOR States – not IN States

Negotiations/Adoption

- The Rotterdam Convention was negotiated by an Intergovernmental Negotiating Committee (5 sessions 1996-1998)
- The Rotterdam Convention was adopted by a Conference of Plenipotentiaries in September 1998
- Adoption is the act by which the negotiating parties establish the form and content of a Convention/Treaty

Signature

- The signature is normally subject to ratification, acceptance or approval.
- A State that signs a treaty is obliged to refrain, in good faith, from acts that would defeat the object and purpose of the treaty
- Rotterdam Convention was open for signature from 11 September 1998 to 10 September 1999 and has 73 Signatories.

Ratification, acceptance, approval

- Ratification, acceptance and approval all refer to the act, whereby a State establishes its consent to be bound by a treaty
- Ratification, acceptance and approval all require two steps:
  - The execution of an instrument of ratification, acceptance or approval by the Head of State, Head of Government or Minister for Foreign Affairs, expressing the intent of the State to be bound by the Convention, and
  - The deposit of the instrument with the depositary (UN Secretary General)
**Accession**

- Accession is the act whereby a State that has not signed a treaty expresses its consent to become a party to that treaty by depositing an "instrument of accession"
- Accession has the same legal effect as ratification, acceptance or approval
- Accession is generally employed by States wishing to express their consent to be bound by a treaty where the deadline for signature has passed

**National Steps to become a Party**

Governed by national regulations and practices, but a possible approach could be to:

- Create an Implementation Committee
  - Involve all stakeholders – Government, Industry, NGOs
- Prepare Implementation Strategy
  - Review Convention requirements
  - Review National legislation – identify possible revisions
- Become Party to the Convention
- Implement the Convention

**Financial considerations**

- **Convention**
  - COP1 adopts Financial Rules and Budget for the first biennium
  - Scale of Assessment
- **National Considerations**
  - Implementation costs
  - Benefits
  - Prevents adverse effects to human health the environment caused by hazardous chemicals and pesticides
  - Prevents creation of stockpiles

**UN Scale of Assessment**

- Prepared by the Committee on Contributions and adopted by the General Assembly
  - Based on the ‘capacity to pay’ principle, including inter alia the following elements and criteria:
    - Estimated Gross National Product
    - Conversion rate based on market exchange rates
    - Debt Burden
    - Low per capita income
    - Max assessment rate: 22 per cent
    - Min assessment rate: 0.001 per cent
    - Max LDC assessment rate: 0.01 per cent

**Convention Scale of Assessment**

- COP agree on the general principles
- COP adopt scales and budget
- Adjusted to number of Parties
- Agree to Floor and Ceiling
  - Max assessment rate
  - Min assessment rate
  - Max assessment rate for LDC

**Regional Status**

Countries in PIC region Africa (48)

**Regional Status**

Parties in PIC region Africa (9)
- Burkina Faso, Cameroon, Ethiopia, Gambia, Guinea, Nigeria, Senegal, South Africa, United Republic of Tanzania
EXPERIENCE OF THE GAMBIA IN THE RATIFICATION OF CONVENTIONS

Introduction

The National Environment Management Act (NEMA) was enacted to ensure that all persons living in The Gambia enjoy a healthy environment and it gives the duty to everybody to maintain and enhance the quality of the environment.

The NEMA also established the National Environment Management Council (NEMC) and the National Environment Agency (NEA).

The NEMC, a policy-making organ, is chaired by the Head of State and is comprised of all those Secretaries of State (SOS) whose Departments of State (DOS) have a stake in the management of the environment.

The NEA is the Secretariat of the NEMC and implements the policies of the latter, ensuring that environmental concerns are integrated into all spheres of national planning. The NEA does not work in isolation, but has adopted a participatory approach in executing its tasks, creating multi sectoral working groups, or boards, for each programme area of the Agency.

For the management of hazardous chemicals and pesticides, the Hazardous Chemicals and Pesticides Control and Management Board (HCPCMB), a multi sectoral committee, comprising of major stakeholders in chemical control was established in 1994 to replace the previous Pesticides Board judged to be inadequate in the present situation.

The NEA is the Secretariat of these multi sectoral committees, and the DNA/Focal Point for the Rotterdam, Stockholm, Basel/Bamako and Copenhagen Conventions and Montreal Protocol. It is therefore responsible for preparing proposals for environmental policies and strategies for the Council and cabinet papers for ratification of the above environmental conventions.

1. Procedure for Ratification

The following are the steps that lead to the ratification of a convention:

- Signing of the convention by an authority vested with full powers
- Informing the DNA/Focal Point and other authorities (e.g. board members) responsible for chemical management
- Briefing of the appropriate Secretaries of State (SOS)
- Preparation of a Cabinet paper for the SOS with the view of securing Cabinet approval for ratification by the National Assembly
- Ratification by National Assembly
- Signature by Head of State
- Deposition by Department of State (DOS) for External Affairs at Depository.

2. Examination of Convention at Technical Level

After signature of convention by high level officer with full credentials, the convention is examined at technical level.
• meeting of concerned officers at DNA level to discuss convention
• Information of public of Gambia’s signature of convention
• Meeting of board members convened to discuss the way forward
• Explanatory memoranda on the convention sent to all institutions concerned with chemical management, and comments invited

3. Examination of Convention at political level

❖ Briefing in the form of a Cabinet Paper prepared and sent to the SOS responsible for the environment

Briefing paper should contain:
- factors that triggered the international community to prepare a legally binding instrument
- the aims and objectives of the convention
- the main articles of the convention
- summary of main activities leading to the signature of the convention by The Gambia
- scope of the convention
- advantages of convention to the country
- a proposal for ratification of convention by the National Assembly

❖ A briefing paper accompanied by a request for support is sent to all other Secretaries of State who are partners in the implementation of the convention (e.g. agriculture, health, trade)

❖ Meeting of Cabinet
- the SOS responsible for environment discusses the convention at Cabinet level with a view to seeking support for Assembly ratification.

4. Examination of Convention at Legislative level

- The SOS at a National Assembly sitting in the presence of the technocrats, moves the convention in a motion.
- The National Assembly members seek clarification in the form of questions and answers.
- After a satisfactory hearing, the convention is ratified by the National Assembly.

5. Work of the Judiciary

- The ratified instrument is submitted to the DNA/Focal Point of the convention.
- The Focal Point sends a request to the Department of State for Justice for the preparation of the legal texts leading to signature by the Head of State.
- The Head of State signs and the instruments of ratification are sent back to the DOS for Justice and transmitted to the Focal Point.
- The Focal Point sends request letters to the DOS for External Affairs for onward transmission of the instruments of ratification to the Depository

6. Post Ratification Activities

An implementation scheme is put in place comprising the following mechanisms:

- Information and sensitisation
- Enforcement
- Capacity building
7. Constraints

- Delay in administrative procedure during process of ratification and deposition
- Lack of knowledge of convention and chemicals by public
- National legislation on chemicals too broad and not specific on chemicals such as those of PIC or POPs.
- No specific national regulations on such chemicals
- Lack of legal expertise in chemical issues in general and chemical conventions in particular.
The objective of the Rotterdam Convention is to promote a shared responsibility between importing and exporting countries in protecting human health and the environment from the harmful effects of hazardous chemicals.

It enables the world to monitor and control the trade in certain hazardous chemicals. It gives importing countries the power to decide which of these chemicals they want to receive and to exclude those they cannot manage safely. If trade does take place, requirements for labelling and provision of information on potential health and environmental effects will promote the safe use of these chemicals.

The Convention covers pesticides and industrial chemicals that have been banned or severely restricted for health or environmental reasons by participating Parties. Severely hazardous pesticide formulations that present a hazard under the conditions of use in developing country Parties or Parties with economies in transition may also be included.

The Rotterdam Convention was adopted at the Conference of Plenipotentiaries in Rotterdam on 10 September 1998 and will enter into force 90 days after the deposition of 50 instruments of ratification, acceptance, approval or accession. As of January 2003, 38 states had ratified, adopted, approved or acceded to the Convention. The interim Prior Informed Consent (PIC) Procedure will operate until the Convention enters into force.

Countries participating in the interim PIC procedure must designate one or more national authorities (DNAs) to act on its behalf in the performance of the administrative functions required by the Convention.

As of January 2003, 32 chemicals were subject to the interim PIC Procedure:

**Pesticides:** 2,4,5-T, aldrin, binapacryl, captafol, chlorobenzilate, chlordane, chlordimeform, DDT, dieldrin, dinoseb, 1,2-dibromoethane (EDB), ethylene oxide, ethylene dichloride, fluoroacetamide, HCH, heptachlor, hexachlorobenzene, lindane, mercury compounds, pentachlorophenol, toxaphene and certain formulations of metamidophos, methyl-parathion, monocrotophos (pesticide), monocrotophos (certain formulations) parathion and phosphamidon.

**Industrial chemicals:** crocidolite, polybrominated biphenyls (PBB), polychlorinated biphenyls (PCB), polychlorinated terphenyls (PCT), tris(2,3 dibromopropul)phosphate.

The Convention includes a process for adding further chemicals. Four chemicals have been added to the interim PIC Procedure since September 1998. The inclusion of monocrotophos as a pesticide was decided at the Ninth Session of the Intergovernmental Negotiating Committee in October 2002.

**The Convention contains provisions for:**

The *Prior Informed Consent (PIC) procedure*, a mechanism for formally obtaining and disseminating the decisions of importing countries as to whether they wish to receive future shipments of those chemicals specifically subject to the Convention and for ensuring compliance with these decisions by exporting countries.
The exchange of information among Parties about potentially hazardous chemicals that may be exported and imported and provides for a national decision-making process regarding import and compliance by exporters with these decisions. The provisions regarding information exchange include:

- the requirement for a Party to inform other Parties of each ban or severe restriction on a chemical it implements nationally;
- the possibility for a developing country Party or a Party with an economy in transition to inform other Parties that it is experiencing problems caused by a severely hazardous pesticide formulation under conditions of use in its territory;
- the requirement for a Party that plans to export a chemical that is banned or severely restricted for use within its territory, to inform the importing Party that such export will take place, before the first shipment and annually thereafter;
- the requirement that an exporting Party, when exporting chemicals that are to be used for occupational purposes, shall ensure that a safety data sheet that follows an internationally recognised format, setting out the most up-to-date information available, is sent to the importer; and
- the requirement that exports of chemicals included in the PIC procedure and other chemicals that are banned or severely restricted domestically, when exported, are subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment.

Operation of the PIC Procedure:

For each chemical subject to the PIC procedure a decision guidance document (DGD) is developed and circulated to DNAs. The DGD is intended to help governments assess the risks connected with the handling and use of the chemical and make more informed decisions about future import and use of the chemical, taking into account local conditions of use.

For each chemical subject to the PIC procedure the DNA is requested to decide whether to accept import, refuse import or allow import under certain conditions and to inform the Secretariat of their decision. A listing of the import responses given for each chemical subject to the PIC procedure is circulated to all DNA every six months in the PIC Circular.

Import decisions taken by Parties must be trade neutral; that is, if the Party decides it does not consent to accepting imports of a specific chemical, it must also stop domestic production of the chemical for domestic use or imports from any non-party.

A chemical subject to the PIC procedure should not be exported without the consent of the importing Party. In the absence of an import response the export may proceed if there have been previous shipments to that Party or if the chemical is approved in that Party and the regulatory situation has not changed. Exporting Parties should ensure that import responses published in the PIC Circular are immediately communicated to their exporters, industry and any other relevant authorities, such as the Department of Customs. Exporting Parties are also obliged to take appropriate measures, within their authority and legislative competence, to ensure that exports do not occur contrary to the decision of each importing Party.

The Convention provides for technical assistance between Parties. Parties shall, cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of the Convention. 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.

The benefits of ratifying, adopting, or acceding to the Rotterdam Convention include:

- ability to control unwanted imports of chemicals subject to the Convention
• export notifications of chemicals banned or severely restricted in the exporting Parties
• information summaries of control actions to ban or severely restrict chemicals in other Parties
• information on incidents involving severely hazardous pesticide formulations in other Parties
• a network of DNAs in Africa
• access to DNAs in other PIC Regions with similar conditions

UNEP and FAO will serve as Secretariat for the interim period, in order to support the implementation of the interim PIC procedure and prepare for the entry into force of the Convention. UNEP and FAO have also been assigned the responsibility for Secretariat of the Convention.
SESSION 3: OVERVIEW OF THE ROTTERDAM CONVENTION

Introduction by the Secretariat

Slide 1

OVERVIEW OF THE ROTTERDAM CONVENTION

OPERATION OF THE INTERIM PRIOR INFORMED CONSENT (PIC) PROCEDURE

Slide 2

OPERATION OF THE INTERIM PIC PROCEDURE

1. Scope of the Convention
   • what chemicals are included
2. Key players
   • who they are and what they do
3. Adding chemicals
   • banned and severely restricted chemicals
   • severely hazardous pesticide formulations

Slide 3

OPERATION OF THE INTERIM PIC PROCEDURE

4. The Prior Informed Consent procedure
   • how it operates
   • decision guidance documents (DGDs)
   • transport decisions
   Importing and exporting country responsibilities
   • export notification
5. Information exchange

Slide 4

OPERATION OF THE INTERIM PIC PROCEDURE

1. SCOPE OF THE CONVENTION
   Applies to:
   • Pesticides and industrial chemicals, banned or severely restricted for health or environmental reasons by participating Parties
   • Severely hazardous pesticide formulations that present a hazard under the conditions of use in developing country Parties or Parties with economies in transition

Slide 5

SCOPE OF THE CONVENTION

Does not apply to:
• narcotic drugs and psychotropic substances,
• radioactive materials,
• wastes,
• chemical weapons,
• pharmaceuticals,
• chemicals used as food additives
• food
• chemicals in small quantities for research or analysis purposes

Slide 6

WHAT CHEMICALS ARE INCLUDED

Chemicals subject to the Interim PIC Procedure
• 22 pesticides
• 5 severely hazardous formulations and
• 5 industrial chemicals
since September 1998 5 pesticides have been added
OPERATION OF THE INTERIM PIC PROCEDURE

2. KEY PLAYERS
   1. Designated National Authorities (DNAs)
   2. Conference of the Parties (COP)
   3. Chemical Review Committee (CRC)
   4. Secretariat

KEY PLAYERS
DESIGNATED NATIONAL AUTHORITIES (DNAs)

- Principal contact for the operation of the PIC procedure
- Generally a governing department or office responsible for broad policy decisions with the authority to decide which chemicals are used in the country

KEY PLAYERS
CONFERENCE OF PARTIES (COP)

- Highest authority of the Convention
- Countries that have become Parties oversee implementation
  - interim procedure – Intergovernmental Negotiating Committee (INC)
    - just over 100 countries now participate
- Decides on the inclusion of chemicals, establishes subsidiary bodies, defines PIC regions etc.

KEY PLAYERS
CHEMICAL REVIEW COMMITTEE (CRC)

- Expert Committee
- Review notifications and proposals from Parties
- Make recommendations to the INC/COP on chemicals to be added to the Convention
- 29 members from 7 interim PIC Regions
  - Africa, Asia, Europe, Near East, Latin America, North America, Southwest Pacific
- Interim procedure - interim Chemical Review Committee (iCRC)

African Region Representatives

- Mr. Jean Moali - Republic of Congo
- Mr. Ammanuel N. Malifi Negewo - Ethiopia
- Ms. Fatoumata Jallow Ndoye - Gambia
- Mr. Ravinandan Sibartie - Mauritius
- Mr. Jan Ferdinand Goede - South Africa
- Mr. Mohammed Ammati - Morocco
KEY PLAYERS

SECRETARIAT
- Provided by UNEP and FAO jointly
- Service Parties, e.g., convene COP/INC and CRC/CRC meetings
- Facilitate some aspects of procedures
  - Collect and review notifications
  - Maintain registers e.g. DNA lists
  - Communicate to Parties

SECRETARIAT
- Assist Parties in the implementation of the Convention
- Coordinate with other secretariats
- Other functions as specified in the Convention

OPERATION OF THE INTERIM PIC PROCEDURE

3. ADDING CHEMICALS TO THE CONVENTION
Different procedures for:
- Banned or severely restricted chemicals
  - notification of regulatory action form
- Severely hazardous pesticide formulations
  - SHPF incident report form

ADDING CHEMICALS TO THE CONVENTION

Banned or severely restricted chemicals
- When the Secretariat has received two notifications from two different PIC regions that contains the information required in Annex I it forwards them to the Chemical Review Committee

Banned and severely restricted chemicals
- The Chemical Review Committee (CRC) reviews the information provided in the notifications and the supporting documentation in accordance with the criteria in Annex II

The Chemical Review Committee:
- recommends to the Conference of the Parties (COP) whether to include the chemical in Annex III
- drafts a Decision Guidance Document (DGD)

The COP decides whether to include the chemical in Annex III and approve the draft DGD
**ADDING A “BSR” CHEMICAL TO THE CONVENTION**

*It takes two countries from two different regions to get the ball rolling...*

### NATIONAL ACTION

- 1 Country from Region X
  - Bans/severely restricts chemical Z
  - Notifies Convention Secretariat
- 1 Country from Region Y
  - Bans/severely restricts chemical Z
  - Notifies Convention Secretariat

- Chemical Z goes on Convention list
- Chemical Z stays off Convention list

### GLOBAL COORDINATION

- Verifies the notification
- Informs world of each country’s bans/restrictions on Chemical Z
  - (PIC Circular)
- Asks expert group whether chemical Z should go on Convention list

### DECISION

- INC/COP

**ANALYSIS**

- Chemical Review Committee prepares draft DGD

---

**Slide 24**

**ADDING CHEMICALS TO THE CONVENTION**

**NOTIFICATION OF REGULATORY ACTION FORM**

- Facilitates reporting of national regulatory actions in accordance with Article 5 Procedures for Banned or Severely Restricted Chemicals
- Meets the information requirements of Annex I Information Requirements for Notifications made Pursuant to Article 5
- Summary of complete notifications is included in the PIC Circular

---

**Slide 25**

**ADDING CHEMICALS TO THE CONVENTION**

**NOTIFICATION OF REGULATORY ACTION FORM**

- An official government document it must be signed by the DNA and submitted to the Secretariat
- Combined with supporting risk evaluation is basis for review by Chemical Review Committee

---

**Slide 26**

**ADDING CHEMICALS TO THE CONVENTION**

**Severely hazardous pesticide formulations**

Developing Countries, or Countries with economies in transition

- Experiencing problems caused by severely hazardous pesticide formulations under conditions of use in their territory
- Propose inclusion in Annex III

---

**Slide 27**

**ADDING CHEMICALS TO THE CONVENTION**

**Severely hazardous pesticide formulations**

- Secretariat verifies that the proposal contains the information specified in part 1 of Annex IV
- A summary of the incident report is included in the PIC Circular
- Triggers collection of additional information by Secretariat in line with part 2 of Annex IV
Severely hazardous pesticide formulations
- Secretariat forwards proposal and information it has collected to the Chemical Review Committee
- CRC reviews the information in accordance with the criteria in part 3 of Annex IV

In reviewing proposals the CRC shall take into account:
- significance of the reported effects in relation to the quantity of the formulation used
- intentional misuse is not itself an adequate reason to list the formulation in Annex III
- reliability of evidence indicating that the use of the formulation in accordance with common or recognized patterns of use in the Party resulted in the reported incidents
- relevance to other States with similar climate, conditions and patterns of use of the formulation
- existence of handling or applicator restrictions that may not be reasonably or widely applied in States lacking the necessary infrastructure

The Chemical Review Committee:
- recommends to the Conference of the Parties (COP) whether to include the chemical in Annex III
- drafts a Decision Guidance Document (DGD)

The COP decides whether to include the chemical in Annex III and approve the draft DGD

It takes a single proposal from one country to get the ball rolling...

1 Country (DC or EIT) → Problems with a pesticide formulation under conditions of use → Proposal to Convention Secretariat

Decision INC/COP

Agree

Disagree

Chemical Z goes on Convention list

Chemical Z stays off Convention list

NATIONAL ACTION

GLOBAL COORDINATION

SECRETARIAT

Verifies the proposal

Informs world of proposal (PIC Circular)

Collects additional information

Asks expert group whether chemical Z should go on Convention list

ANALYSIS

Expert Group prepares draft ‘Decision Guidance Document’
ADDING CHEMICALS TO THE CONVENTION
SHPF INCIDENT REPORT FORM

- Facilitates the preparation and submission of proposals regarding hazardous pesticide formulations in accordance with Article 6 Procedures for Severely Hazardous Pesticide Formulations
- Meets the information requirements in part 1 of Annex IV and serves as the basis for the development of proposal for submission by the DNA

OPERATION OF THE INTERIM PIC PROCEDURE

4. The Prior Informed Consent Procedure
   a) How it operates
      - Decision Guidance Documents (DGDs)
      - Import decisions/responses
      - PIC Circular
   b) Importing country responsibilities
   c) Exporting country responsibilities

THE PRIOR INFORMED CONSENT PROCEDURE

DECISION GUIDANCE DOCUMENTS
- Developed for each chemical subject to the PIC procedure
- Clearly identifies the reasons for a chemical being included in the PIC procedure
- Summarises the basis for regulatory decisions reported by notifying countries

Import Responses shall consist of either:
- final decision
  - to consent to import
  - not to consent to import
  - to consent subject to specified conditions
- interim response, including
  - an interim decision to import or not to import
  - a statement that a final decision is under consideration
  - a request for further information
  - a request for assistance in evaluating the chemical

THE PRIOR INFORMED CONSENT PROCEDURE

Import Response form
- facilitates reporting of import decisions for chemical subject to the PIC procedure in accordance with Article 10 - Obligations in Relation to Imports of Chemicals Listed in Annex III
- must be completed and submitted to the Secretariat within 9 months of date of dispatch of the DGD

Part A - DNA transmittal form: identity of the formulation and information on its use in the prevailing conditions of the country
Part B - Incident Report form: a clear description of incidents related to the problem, including the adverse effects and the way in which the formulation was used
Slide 40

**DECISION GUIDANCE DOCUMENT AND IMPORTING COUNTRY RESPONSES**

**NATIONAL ACTION**

- Distribution to all DNAs
- Country takes an import decision (interim or final), on the basis of information provided in the DGD
- Secretariat reviews that the relevant information concerning the decision has been provided
- Secretariat replies to the country
- Secretariat informs world of decision (PIC Circular)

**PIC CIRCULAR, Appendix IV**

- by chemical:
  - import response of countries
  - failure list: countries not having submitted a response

---

Slide 41

**THE PRIOR INFORMED CONSENT PROCEDURE**

**PIC CIRCULAR**

- Issued every six months, December and June, sent to all DNAs and posted on website
- Provides background information on the interim PIC Procedure
- Provides all Parties with the information required to be circulated in line with Articles 4, 5, 6, 7, 10, 11, and 14.
- Complete list of Designated National Authorities

---

Slide 42

**THE PRIOR INFORMED CONSENT PROCEDURE**

**PIC CIRCULAR**

- Includes the following Appendices:
  - Appendix I: Synopsis of final regulatory actions
  - Appendix II: Proposals for inclusion of Severely Hazardous Pesticide Formulations
  - Appendix III: Chemicals subject to the interim PIC Procedure
  - Appendix IV: List of all import responses received from Parties

---

Slide 43

**THE PRIOR INFORMED CONSENT PROCEDURE**

**IMPORTING COUNTRY RESPONSIBILITIES**

- Implement legislative and administrative measures to communicate import decisions within its jurisdiction
- Take appropriate measures to ensure that its exporters comply with import decisions

---

Slide 44

**THE PRIOR INFORMED CONSENT PROCEDURE**

**EXPORTING COUNTRY RESPONSIBILITIES**

- Ensure that importers, relevant authorities and where possible users are informed of notifications received
- Ensure that import decisions are applied uniformly to imports from all exporting countries and to any domestic manufacturing of the chemical
THE PRIOR INFORMED CONSENT PROCEDURE

EXPORTING COUNTRY RESPONSIBILITIES

- Advise and assist importing Parties
  - To obtain further information to help them make import decisions
  - To strengthen their capacities and capabilities to manage chemicals safely

EXPORT NOTIFICATIONS

- Notify importing Party when exporting a chemical that is banned or severely restricted on its territory
- Obligation cease when:
  - The chemical is listed in Annex III
  - The importing country has provided a response
  - This response has been circulated

NATIONAL ACTION

Export Notification

Country A (exporting)

When country A exports chemical A, it should send export notification to importing country B:

Annex V indicates the information requirements

If chemical A is on the PIC list, and if country B has already provided an import decision: obligation of export notification from country A stops!

OPERATION OF THE INTERIM PIC PROCEDURE

5. INFORMATION EXCHANGE

The Convention facilitates the exchange of information among Parties about a very broad range of potentially hazardous chemicals that may be exported and imported

- PIC Circular
  - summaries of notifications of regulatory actions to ban or severely restrict a chemical
  - summaries of proposals for severely hazardous pesticide formulations

INFORMATION EXCHANGE

- Export notification
  - for chemicals that are banned or severely restricted in the exporting country
  - chemicals that are to be used for occupational purposes - a safety data sheet following an internationally recognized format is to be sent to the importer
  - chemicals are subject to labelling requirements that ensure adequate availability of information on risks and/or hazards to human health or the environment
OPERATION OF THE INTERIM PIC PROCEDURE

1. Scope of the Convention
   • what chemicals are included

2. Key players
   • who they are and what they do

3. Adding chemicals
   • banned and severely restricted chemicals
   • severely hazardous pesticide formulations

OPERATION OF THE INTERIM PIC PROCEDURE

4. The Prior Informed Consent procedure
   • how it operates
   • decision guidance documents (DGDs)
   • import decisions
   Importing and exporting country responsibilities

5. Information exchange
DESCRIPTION OF THE ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE

How was the Convention developed?

The dramatic growth in chemical production and trade during the past three decades has raised both public and official concerns about the potential risks posed by hazardous chemicals and pesticides. Countries lacking adequate infrastructure to monitor the import and use of these chemicals are particularly vulnerable.

In response to these concerns, UNEP and FAO started developing and promoting voluntary information exchange programmes in the mid-1980s. FAO launched its International Code of Conduct on the Distribution and Use of Pesticides in 1985 and UNEP set up the London Guidelines for the Exchange of Information on Chemicals in International Trade in 1987. In 1989, the two organizations jointly introduced the voluntary Prior Informed Consent procedure into these two instruments. Together, these programmes helped to ensure that governments had the information they need about hazardous chemicals for assessing the risks and taking informed decisions on future chemicals imports.

Seeing the need for mandatory controls, officials attending the 1992 Rio Earth Summit adopted Chapter 19 of Agenda 21, which called for adoption of a legally binding instrument on the PIC procedure by the year 2000. Consequently, the FAO Council (in 1994) and the UNEP Governing Council (in 1995) mandated their executive heads to launch negotiations. The talks started in March 1996 and concluded in March 1998 by finalizing the text of the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals in International Trade. In clear testimony to the urgency attributed to addressing international trade in hazardous chemicals, governments completed the negotiations of the Convention in only two years and two years before the deadline set by the Rio Earth Summit.

The Rotterdam Convention was adopted at the Conference of the Plenipotentiaries in Rotterdam on 10 September 1998 and opened for signature on 11 September 1998. It remained open for signature for one year at the UN Headquarters in New York till 10 September 1999. During the signature period, 72 States and one regional economic integration organization signed the Convention.

The Convention will enter into force 90 days after the deposition of 50 instruments of ratification, acceptance, approval or accession. As of January 2003, 38 States (Austria, Belgium, Bulgaria, Burkina Faso, Cameroon, Canada, Czech Republic, El Salvador, Ethiopia, European Community, Germany, Guinea, Hungary, Italy, Jamaica, Jordan, Kyrgyzstan, Libya, Luxembourg, Malaysia, Mongolia, Netherlands, Nigeria, Norway, Oman, Panama, Samoa, Saudi Arabia, Senegal, Slovenia, South Africa, Suriname, Switzerland, Tanzania, Thailand, The Gambia, United Arab Emirates and Ukraine) had ratified, accepted, approved or acceded to the Convention.

Interim arrangements – the interim Prior Informed Consent procedure

The Conference also adopted a resolution on interim arrangements for the Convention. Under this resolution, the original, voluntary PIC procedure was changed to bring it in line with the provisions of the Convention. This new, interim PIC procedure would continue to operate until the Convention enters into force.
Which chemicals will be included?

The Convention covers pesticides and industrial chemicals that have been banned or severely restricted for health or environmental reasons by participating Parties and which have been subject to notification by Parties for inclusion in the PIC procedure. Severely hazardous pesticide formulations that present a hazard under the conditions of use in developing country Parties or Parties with economies in transition may also be proposed for inclusion. The inclusion of chemicals in the PIC procedure is decided by the Conference of the Parties. The Convention will initially include at least 27 chemicals\(^1\) carried forward from the original, voluntary PIC procedure and hundreds more are likely to be added as the provisions of the Convention are implemented.

Certain specific groups of chemicals such as narcotic drugs and psychotropic substances, radioactive materials, wastes, chemical weapons, pharmaceuticals, food and food additives are excluded from the scope of the Convention. Also excluded are chemicals in quantities not likely to affect human health or the environment, provided they are imported for research or analysis purposes or by an individual for personal use in quantities reasonable for such use.

How will it work – Key players

Each Party must designate one or more national authorities authorized to act on its behalf in the performance of the administrative functions required by the Convention. Some Parties have nominated one authority for all chemicals while others have designated several, with separate responsibility for pesticides and industrial chemicals. The DNA is generally a governing department or office responsible for broad policy decisions regarding chemicals or with the authority to decide which chemicals may be used in the country. The need to designate one or more DNAs is dependent upon the administrative and legislative organization in each country.

The implementation of the Convention will be overseen by a Conference of the Parties. A Chemical Review Committee will be established to review notifications and proposals from Parties, and make recommendations to the Conference of the Parties on which chemicals should be included in the PIC procedure. The Convention requires that the entire process be conducted in an open and transparent manner.

During the interim period, the Intergovernmental Negotiating Committee (INC) that negotiated the Convention will oversee implementation of the interim PIC procedure, and will decide on inclusion of additional chemicals\(^2\). To assist it in this task, the INC has established an Interim Chemical Review Committee, consisting of 29 government-designated experts in chemical management.

UNEP and FAO will serve as Secretariat for the interim period, in order to support the implementation of the interim PIC procedure and prepare for the entry into force of the Convention. UNEP and FAO have also been assigned the responsibility for Secretariat of the Convention.

---

\(^1\) Annex III of the Convention, as adopted by the Conference of Plenipotentiaries, lists the following chemicals - Pesticides: 2,4,5-T, aldrin, captafol, chlorobenzilate, chlordane, chlordimeform, DDT, dieldrin, dinoseb, 1,2-dibromoethane (EDB), fluoroacetamide, HCH, heptachlor, hexachlorobenzene, lindane, mercury compounds, pentachlorophenol and certain formulations of methamidophos, methyl-parathion, monocrotophos (pesticide), monocrotophos (certain formulations), parathion and phosphamidon. Industrial chemicals: crocidolite, polybrominated biphenyls (PBB), polychlorinated biphenyls (PCB), polychlorinated terphenyls (PCT), tris(2,3 dibromopropyl)phosphate.

\(^2\) In addition to the 27 chemicals listed in Annex III of the Convention and carried forward from the original, voluntary PIC procedure, the Intergovernmental Negotiating Committee has added the pesticides binapacryl, ethylene dichloride, ethylene oxide, toxaphene and monocrotophos to the interim PIC procedure.
Objectives:

The objective of the Rotterdam Convention is to promote shared responsibility and cooperative efforts between exporting and importing countries in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm. It will also contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to exporting and importing countries.

How will it work – Key elements

According to the Convention, export of a chemical can only take place with the prior informed consent of the importing Party.

The Prior Informed Consent (PIC) procedure is a means for formally obtaining and disseminating the decisions of importing countries as to whether they wish to receive future shipments of a certain chemical and for ensuring compliance to these decisions by exporting countries. The aim is to promote a shared responsibility between exporting and importing countries in protecting human health and the environment from the harmful effects of such chemicals.

The Convention contains provisions for the exchange of information among Parties about potentially hazardous chemicals that may be exported and imported and provides for a national decision-making process regarding import and compliance by exporters with these decisions.

The provisions regarding information exchange include:

- the requirement for a Party to inform other Parties of each ban or severe restriction on a chemical it implements nationally;
- the possibility for a developing country Party or a Party with an economy in transition to inform other Parties that it is experiencing problems caused by a severely hazardous pesticide formulation under conditions of use in its territory;
- the requirement for a Party that plans to export a chemical that is banned or severely restricted for use within its territory, to inform the importing Party that such export will take place, before the first shipment and annually thereafter;
- the requirement that an exporting Party, when exporting chemicals that are to be used for occupational purposes, shall ensure that a safety data sheet that follows an internationally recognized format, setting out the most up-to-date information available, is sent to the importer; and
- the requirement that exports of chemicals included in the PIC procedure and other chemicals that are banned or severely restricted domestically, when exported, are subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment.

Operation of the PIC Procedure

On taking a domestic regulatory action to ban or severely restrict a chemical, the DNA is to complete a notification of final regulatory action form and forward it to the Secretariat. Those notifications found to meet the information requirements of Annex 1 of the Convention are considered complete and a summary is included in the PIC Circular. When the Secretariat has received at least one notification from each of two PIC regions, that contain the information required in Annex 1 of the Convention, it requests the supporting documentation from the notifying Party and forwards the complete notifications and the accompanying documentation to the Chemical Review Committee.

In the case of severely hazardous pesticide formulations a similar process is followed. Where reports of pesticide poisoning incidents are found to meet the information requirements of part 1 of Annex IV
of the Convention, a summary is prepared and published in the PIC Circular. The Secretariat then collects the information listed in part 2 of Annex IV. The incident report and the additional information collected by the Secretariat are then forwarded to the Chemical Review Committee.

In both instances the Committee reviews the information provided and decides whether or not to recommend the inclusion of the chemical in the PIC procedure to the Conference of the Parties.

For each chemical subject to the PIC procedure a decision guidance document (DGD) is developed and circulated to DNAs. The DGD is intended to help governments assess the risks connected with the handling and use of the chemical and make more informed decisions about future import and use of the chemical, taking into account local conditions of use.

For each chemical subject to the PIC procedure the DNA is requested to decide whether to accept import, refuse import or allow import under certain conditions and to inform the Secretariat of their decision. A listing of the import responses given for each chemical subject to the PIC procedure is published every six months in the PIC Circular.

A simplified flow chart (attached) illustrates the various steps of the information exchange and PIC procedure (Articles 5-12 of the Convention).

**Party responsibilities**

Import decisions taken by Parties must be trade neutral; that is, if the Party decides it does not consent to accepting imports of a specific chemical, it must also stop domestic production of the chemical for domestic use or imports from any non-party.

A chemical subject to the PIC procedure should not be exported without the consent of the importing Party; however, the export may proceed if there have been previous shipments to that Party or if the chemical is approved in that Party and the regulatory situation has not changed. Exporting Parties should ensure that import responses published in the PIC Circular are immediately communicated to their exporters, industry and any other relevant authorities, such as the Department of Customs. Exporting Parties are also obliged to take appropriate measures, within their authority and legislative competence, to ensure that exports do not occur contrary to the decision of each importing Party.

The Convention provides for technical assistance between Parties. Parties shall, taking into account in particular the needs of developing countries and countries with economies in transition, cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of the Convention. 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.
A simplified summary flow chart illustrates the various steps of the information exchange and PIC procedure (Articles 5-12 of the Convention).

THE OPERATIONAL ELEMENTS OF THE ROTTERDAM CONVENTION

SUMMARY CHART - INFORMATION EXCHANGE & THE PIC PROCEDURE

STEP 1
- Notification of final regulatory action to ban or severely restrict a chemical
- Proposal on severely hazardous pesticide formulation causing problems under conditions of use

STEP 2
- Decision to make a chemical subject to PIC and list in Annex III
- Dissemination of a Decision Guidance Document to all Parties

STEP 3
- Importing country responds regarding future import of each PIC chemical
- Dissemination of responses received to all Parties

STEP 4
- Follow-up on importing Party responsibilities
- Follow-up on exporting Party responsibilities