



Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

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Conference of the Parties to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade

Eighth meeting

Geneva, 24 April–5 May 2017

Item 5 (a) of the provisional agenda**

Matters related to the implementation of the Convention: status of implementation

Information on the implementation of the Rotterdam Convention

Note by the Secretariat

1. The annex to the present note provides information relating to the following aspects of implementation of the Rotterdam Convention, covering the period from 1 November 2014 to 31 October 2016:
 - (a) Status of ratifications, official contact points and designated national authorities;
 - (b) Notifications of final regulatory action;
 - (c) Proposals for inclusion of severely hazardous pesticide formulations;
 - (d) Obligations in relation to the import of chemicals listed in Annex III to the Convention;
 - (e) Obligations in relation to the export of chemicals;
 - (f) Information exchange.
2. The present note, including its annex, has not been formally edited.

* Second reissue for technical reasons (7 April 2017).

** UNEP/FAO/RC/COP.8/1.

Annex

Information on the implementation of the Rotterdam Convention as at 31 October 2016

1. The present report provides information on implementation of the Rotterdam Convention, highlighting the progress made between 1 November 2014 and 31 October 2016. The information provided herein is limited to those Parties for which the Convention had entered into force as at 31 October 2016. The reporting period reflects the information published in PIC Circulars XLI (June 2015) to XLIV (December 2016).

2. The report comprises six sections pertaining to information circulated to Parties by the Secretariat through the PIC Circular, pursuant to Articles 4 to 7, 10 to 14 and 25 of the Convention, along with information on activities of Parties that are not reported in the PIC Circular.

A. Status of ratifications, official contact points and designated national authorities

3. As at 31 October 2016, there were 155 Parties to the Convention. During the reporting period, one State ratified the Convention: Tunisia on 9 February 2016.

4. Information on the status of ratifications of the Convention is available on the Convention website and regularly updated.¹ Document UNEP/CHW.13/INF/5-UNEP/FAO/RC/COP.8/INF/5-UNEP/POPS/COP.8/INF/5 contains information on the status of ratifications of the Basel, Rotterdam and Stockholm conventions. The Secretariat sends a welcome letter to all new Parties regarding the actions to be taken upon becoming a Party.

Table 1

Overview of the number and distribution of Parties by PIC region (as at 31 October 2016)

<i>PIC region</i>	<i>Number of Parties</i>	<i>Parties as a percentage of countries within each region</i>
Africa	46	87 per cent
Asia	20	80 per cent
Europe ²	43	86 per cent
Latin America and the Caribbean	28	85 per cent
Near East	12	75 per cent
North America	1	50 per cent
Southwest Pacific	6	38 per cent

5. 155 Parties to the Convention have nominated 319 official contact points and 274 designated national authorities in accordance with Article 4 of the Convention.³ Information about official contact points and designated national authorities is available on the Convention website.⁴ A register of designated national authorities is published with the PIC Circular every June and December.

6. The Secretariat has circulated communications to Parties and undertaken bilateral follow-up regarding updates to or notifications of designations of contacts to the Convention.

¹ www.pic.int/Countries/Statusofratifications/tabid/1072/language/en-US/Default.aspx.

² In accordance with paragraph 2 of Article 25, regional economic integration organizations and their member States decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member states shall not be entitled to exercise rights under the Convention concurrently. Consequently, the number of Parties in Table 1 includes 27 member States of the European Union that are Parties to the Convention but not concurrently the European Union.

³ Each Party designates one or more official contact points. The Secretariat communicates with an official contact point of a Party on such official issues as notices regarding participation in meetings of the Conference of the Parties, circulation of the reports of such meetings, proposals for the addition of chemicals to Annex III of the Convention and for inclusion in the PIC procedure, and the nominations of experts to such subsidiary bodies as the Chemical Review Committee.

In addition and in accordance with Article 4 of the Convention, each Party shall designate one or more national authorities that shall be authorized to act on its behalf in the performance of the administrative functions required by the Rotterdam Convention. Each Party shall, no later than the date of the entry into force of the Convention for it, notify the name and address of such authority or authorities to the Secretariat. It shall notify the Secretariat of any changes in the name and address of such authority or authorities.

⁴ <http://www.pic.int/Countries/CountryContacts/tabid/3282/language/en-US/Default.aspx>.

7. The Secretariat sends a welcome letter and information package to each newly designated national authority, providing general and specific information on the Convention. A CD-ROM is included to provide information needed by a designated national authority for the implementation of the Convention, such as guidance documents and training materials, including a self-directed electronic learning (e-Learning) course for designated national authorities.⁵

B. Notification of final regulatory action

8. Article 5 of the Convention sets forth provisions relating to a notification of final regulatory action. Under Article 5, when a final regulatory action⁶ is adopted, Parties must notify the Secretariat within the deadlines indicated and provide the information listed in Annex I to the Convention, where available.

9. In accordance with paragraph 3 of Article 5, the Secretariat circulates a summary of the information received after verifying that it includes the information requirements listed in Annex I to the Convention. Paragraph 4 of the same article obliges the Secretariat to circulate a synopsis of all the notifications of final regulatory action that it has received, including information regarding those notifications that do not contain all the information required by Annex I to the Convention. This information is communicated to Parties in a timely manner through the latest published PIC Circular.

10. During the reporting period, the Secretariat received 81 notifications from 16 Parties. A total of 64 notifications were verified as containing the information requirements listed in Annex I. Of those notifications, 60 were for chemicals that were not listed in Annex III to the Convention and 4 were for chemicals already listed in Annex III. Of the 64 complete notifications, 45 were for pesticides, 17 were for industrial chemicals and 2 applied to both categories. Three Parties submitted notifications that did not contain some of the information requirements of Annex I.

Table 2

Number of notifications and Parties submitting notifications over the reporting period (1 November 2014 and 31 October 2016)

<i>Period</i>	<i>Total number of notifications submitted</i>	<i>Number of notifications that contained Annex I requirements and number of Parties</i>	<i>Number of notifications that did not contain Annex I requirements and number of Parties</i>
1 November 2014 – 30 April 2015	64 ⁷	41 from 10 Parties	None
1 May 2015 – 31 October 2015	11 ⁸	10 from 4 Parties	16 from 2 Parties
1 November 2015 – 30 April 2016	6 ⁹	1 from 1 Party	1 from 1 Party
1 May 2016 – 31 October 2016	12	12 from 5 parties	None

11. There are 229 chemicals that are not currently listed in Annex III and for which notifications have been received and verified as containing the information requirements of Annex I. Once an additional notification verified by the Secretariat as containing the information requirements listed in Annex I has been submitted from a second PIC region for any of these chemicals, they will then be taken up for consideration by the Chemical Review Committee for possible recommendation for inclusion into Annex III and the PIC procedure. A current list of the chemicals for which notifications have been received can be found in appendix V (Part A and Part B) of the PIC Circular.

⁵ The Resource Kit is also available online at <http://www.pic.int/Implementation/ResourceKit/tabid/1064/language/en-US/Default.aspx>.

⁶ “Final regulatory action” means an action taken by a Party, that does not require subsequent regulatory action by that Party, the purpose of which is to ban or severely restrict a chemical”, Article 2.

⁷ Includes 23 notifications submitted by Nepal (15), China (5) and Togo (3) that were still under verification for the period 1 November 2014 – 30 April 2015. The notifications from Nepal and one notification from Togo were published in Part B of Appendix 1 of the following PIC Circular as verified not to contain the information required by Annex I of the Convention. The 5 notifications from China and the other 2 notifications from Togo were published in Part A of Appendix 1 as verified to contain the information required by Annex I of the Convention.

⁸ Includes 5 notifications from China and 2 notifications from Togo that were still under verification for the period 1 November 2014 – 30 April 2015., and 1 notification from Dominican Republic that was still under verification in the period 1 May 2015 – 31 October 2015.

⁹ Includes 5 notifications submitted by Malaysia that were still under verification for the period 1 May 2015– 31 October 2015.

12. At its seventh meeting, the Conference of the Parties adopted decision RC-7/1 on a proposal for activities to increase notifications of final regulatory action. A report on the implementation of these proposals is contained in document UNEP/FAO/RC/COP.8/5.

13. At its eleventh and twelfth meetings, in October 2015 and September 2016 respectively, the Chemical Review Committee considered a total of seven chemicals. In addition, the Committee considered four draft decision guidance documents. Those draft decision guidance documents were approved and are available in documents UNEP/FAO/RC/COP.8/12/Add.1, UNEP/FAO/RC/COP.8/13/Add.1, UNEP/FAO/RC/COP.8/14/Add.1 and UNEP/FAO/RC/COP.8/15/Add.1.

14. More information on the outcomes of the eleventh and twelfth meetings of the Committee is available in document UNEP/FAO/RC/COP.8/7. In addition, the reports of the Committee on the work of its eleventh and twelfth meetings are available in document UNEP/FAO/RC/CRC.11/9 and UNEP/FAO/RC/CRC.12/9 respectively.

C. Proposals for inclusion of severely hazardous pesticide formulations

15. Article 6 of the Convention sets forth provisions relating to proposals for the inclusion of severely hazardous pesticide formulations in Annex III to the Convention. During the reporting period 2 proposals for listing severely hazardous pesticide formulations that were forwarded for review to the Chemical Review Committee were submitted to the Secretariat.

D. Obligations in relation to the import of chemicals listed in Annex III to the Convention

16. Article 10 of the Convention sets forth obligations in relation to the import of chemicals listed in Annex III to the Convention and subject to the PIC procedure. In accordance with paragraph 10 of Article 10, every six months the Secretariat informs all Parties of the responses received regarding future imports of such chemicals, including, where available, a description of the legislative or administrative measures on which import decisions are based. Information on cases of failure by Parties to transmit such responses is also provided. Access to a listing of chemicals for which Parties have submitted import responses since the last PIC circular is provided through Appendix IV of the PIC Circular. All import responses received from Parties, including the cases of failure to submit responses are available on the Convention website.¹⁰

17. As at 31 October 2016, 47 chemicals were listed in Annex III, including 30 pesticides, 3 severely hazardous pesticide formulations and 14 industrial chemicals, and were therefore subject to the PIC procedure. Parties are obliged to submit import responses for each of those chemicals. A total of 5,407 import responses have been submitted by 143 Parties for Annex III chemicals. The average rate of submission of import response is 75 per cent for the 47 chemicals listed in Annex III to the Convention.

Table 3

Number of Parties submitting import responses, number of Parties submitting no response and average response rates in each PIC region (as at 31 October 2016)

<i>PIC region</i>	<i>Parties that have submitted one or more import response</i>	<i>Parties that have submitted no import responses</i>	<i>Average import response rate per region</i>
Africa	40	6	67 per cent
Asia	19	1	66 per cent
Europe	41	2	92 per cent
Latin America and the Caribbean	27	1	72 per cent
Near East	11	1	85 per cent
North America	1	0	100 per cent
Southwest Pacific	5	1	41 per cent

¹⁰ <http://www.pic.int/tabid/1370/Default.aspx>.

18. During the reporting period a total of 58 Parties submitted 548 new or revised import responses for the chemicals listed in Annex III to the Convention. As of 31 October 2016, the following Parties have submitted import responses for all 47 chemicals listed in Annex III of the Convention: Albania, Australia, Brazil, China, Chad, Cook Islands, Mauritius, Niger, Senegal, Serbia, Switzerland and United Republic of Tanzania. 131 Parties have not yet provided import responses for one or more of the chemicals listed in Annex III to the Convention, and among these, the following 11 Parties have failed to provide any import responses: Afghanistan, Botswana, Djibouti, Lesotho, Maldives, Marshall Islands, Montenegro, Namibia, Saint Vincent and the Grenadines, Somalia, and Ukraine. Parties having difficulties taking import decisions are encouraged to request assistance from the Secretariat. The Secretariat will continue to liaise with Parties that have not submitted import responses.

19. The decision guidance document for methamidophos was circulated to all Parties on 15 September 2015, together with a request for Parties to submit to the Secretariat, by 15 June 2016, their responses regarding future imports of those chemicals. As at 31 October 2016, the Secretariat received a total of 34 import responses (22 per cent).

E. Obligations in relation to the export of chemicals

20. At its seventh meeting, the Conference of the Parties adopted decision RC-7/2 on a proposal on ways of exchanging information on exports and export notifications. A report on the implementation of this proposal is contained in document UNEP/FAO/RC/COP.8/6.

F. Information exchange provisions

21. Under paragraph 1 of Article 14 of the Convention, each Party is required to facilitate the exchange of information concerning chemicals within the scope of the Convention, the provision of publicly available information on domestic regulatory actions relevant to the objectives of the Convention and the provision of information to other Parties, directly or through the Secretariat, on domestic regulatory actions that substantially restrict one or more uses of a chemical, as appropriate.

22. In response to requests within decisions RC-3/3, RC-4/4 and RC-6/8 on information exchange on chemicals recommended by the Chemical Review Committee for listing in Annex III but for which the Conference of the Parties has yet to make a final decision, information submitted by Parties on chrysotile asbestos and liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L is made available in appendix VI of the PIC Circular.

23. Under paragraph 5 of Article 14 of the Convention, any Party requiring information on transit movements through its territory of chemicals listed in Annex III to the Convention may report its need to the Secretariat, which shall inform all Parties accordingly. As at 31 October 2016, no Party had informed the Secretariat that it required such information.

24. Information, such as on additional national evaluations submitted by Parties or other publicly available information on chemicals included in Annex III to the Convention, may be posted on the Convention website upon request.