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Secretariat of the Rotterdam Convention
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Procedures and mechanisms on compliance with the Rotterdam Convention

Dear Mr. President,

We have the pleasure of writing you with regard to your invitation, dated 21 January 2016, to share our views on the outstanding issues in the compliance procedure under the Rotterdam Convention with a view to resolving them in a way that facilitates the possible adoption of the procedures and institutional mechanisms required under Article 17 of the Convention by the Conference of the Parties at its eight meeting.

As you know, the text of the procedure that served as a basis for the compliance negotiations during the seventh meeting of the Conference of the Parties to the Rotterdam Convention contained only two unresolved matters that pertained to the decision making rule on matters of substance in case the Committee is unable to reach agreement by consensus (paragraph 10 of the text in the annex to decision RC-6/9) and a possible third trigger for submissions (paragraph 12 of the same text).

During the seventh meeting of the Conference of the Parties of the Rotterdam Convention the friends of the Co-Chair group made considerable progress in resolving the two outstanding issues. Parties agreed on a decision making rule of a four-fifths majority in case the Committee is unable to reach agreement by consensus and on a so-called Committee-trigger as a third possibility to trigger the procedure for submissions. However, some Parties were only willing to agree to a majority vote and a third trigger under the condition that the possible measures to address compliance issues such as issuing a statement of concern or making public cases of non-compliance are temporarily suspended (paragraph 20 letters d to f of the text in the annex to RC-7/6). Other Parties wanted to exclude the possibility to take such measures to address compliance issues in case a developing country or a country with an economy in transition is found to be non-compliant because of lack of technology, or technical and financial assistance.

The possibility to take a majority vote in case the Committee is unable to reach agreement by consensus and the possibility that the submission procedure can be triggered by the Secretariat or by the Committee itself via the Secretariat are necessary conditions for the effectiveness of a Compliance mechanism. Therefore we very much appreciate the progress that has been made to resolve these issues. In relation to the possible measures to address compliance issues, we think that a temporary suspension of measures such as issuing a statement of concern or making cases of non-compliance public in connection with a review mechanism is a practical approach to reach agreement. However, we are opposed to make the possibility to take measures that should bring Parties back in compliance dependent on funding. We suggest that the Bureau of the Conference of the Parties addresses this

claim in the policy dialogue that it has to promote. Finally, we think that in line with the synergy decisions in the chemical and waste cluster the compliance mechanism of the Rotterdam convention must function in the same way as the mechanisms of other multilateral agreements which proved to be very effective, such as the compliance mechanism for the Basel Convention in particular.

Yours sincerely,



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