



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

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English only

Working group on enhancing the  
effectiveness of the Rotterdam Convention

First meeting

Riga, Latvia, 4–6 June 2018

### Report of the working group on enhancing the effectiveness of the Rotterdam Convention on the work of its first meeting<sup>1</sup>

#### I. Opening of the meeting

1. The meeting of the working group on enhancing the effectiveness of the Rotterdam Convention was held at the Ministry of Environmental Protection and Regional Development, Riga, Latvia, from 4 to 6 June 2018.
2. Opening remarks were delivered by Mr. Rinalds Muciņš, State Secretary from Latvia, Mr. Carlos Martin-Novella, Deputy Executive Secretary of the Secretariat of the Basel, Rotterdam and Stockholm Conventions and Ms. Christine Fuell, Senior Technical Officer at the part of the Rotterdam Convention Secretariat hosted by the Food and Agriculture Organization of the United Nations (FAO).
3. In his remarks, Mr. Muciņš, welcomed the participants to the meeting and recalled the mandate of the intersessional working group, which was to develop prioritized recommendations for enhancing the effectiveness of the Convention and further steps for consideration by the Conference of the Parties at its ninth meeting. He highlighted that the intention of the Convention was to promote information exchange, and that there were clear benefits linked to its implementation.
4. Mr. Martin-Novella, in his remarks made on behalf of the Executive Secretary of the Basel, Rotterdam and Stockholm Conventions, Mr. Rolph Payet, reminded Parties that although the process on enhancing at the effectiveness of the Convention had originated from a concern of some Parties over the failure to list chemicals in Annex III to the Convention, the intersessional working group was now mandated by the Conference of the Parties to look at the effectiveness of the Convention in a holistic manner. He invited members, in fulfilling their mandate, to take stock of the opportunities and benefits under the Convention. He recalled the scope of the Convention, which was about information exchange and shared responsibility in international trade. In closing, he expressed appreciation for financial support towards the intersessional work provided by Australia, the European Commission, Germany and Norway; Latvia for hosting the meeting and providing generous in-kind support; and the two Co-Chairs for their continued leadership in this area of work of the Convention.
5. Ms. Fuell then conveyed opening remarks on behalf of Mr. Hans Dreyer, the *ad interim* Executive Secretary of the part of the Rotterdam Convention Secretariat hosted by FAO, who had taken up this position on 1 May 2018 following the retirement of Mr. William Murray. Recognizing the need for capacity building expressed by Parties, the Secretariat had continuously increased its efforts in this regard, reaching out to more than 100 Parties between 2016 and 2017 and providing technical assistance as requested. Receiving indications of needs and requests for support from Parties was crucial for the Secretariat to tailor assistance. FAO was much committed to support this work, and continued to provide USD 1.5 million per biennium as Regular Programme funds, which will be used for Secretariat staff and for technical assistance for Parties.

<sup>1</sup> This document has not been formally edited.

6. The meeting was opened by the Co-Chairs of the working group, Mr. Andrew McNee (Australia) and Ms. Silvija Nora Kalnins (Latvia), at 2:30 p.m. on Monday, 4 June 2018.

## **II. Organizational matters**

### **A. Attendance**

7. The following members of the intersessional working attended the meeting: Ms. Alejandra Acosta (Argentina), Mr. McNee (Australia), Ms. Belinda Brown (Australia), Ms. Helga Maria Schrott (Austria), Ms. Mara Curaba (Belgium), Mr. Vinicius Trindade (Brazil), Mr. Albus William Banye Lemnyuy (Cameroun), Mr. Jeffrey Goodman (Canada), Mr. Lars Juergensen (Canada), Mr. Martin Lacroix (Canada), Mr. Osvaldo Patricio Álvarez-Pérez (Chile), Ms. Jinye Sun (China), Ms. Angela Patricia Rivera Galvis (Colombia), Mr. Juergen Helbig (European Union), Ms. Jutta Emig (Germany), Mr. Vassilios Karavezyris (Germany), Mr. Sam Adu-Kumi (Ghana), Mr. Kentaro Mizuuchi (Japan), Mr. Mohammed Oglah Hussein Khashashneh (Jordan), Ms. Kalnins (Latvia), Mr. Hans Meijer (Netherlands), Mr. Oludayo O. Dada (Nigeria), Ms. Annike Totlandsdal (Norway), Ms. Magdalena Frydrych (Poland), Ms. Ekaterina Dorofeeva (Russian Federation), Ms. Parvina Kamolova (Russian Federation), Mr. Evgeny Kovalevskiy (Russian Federation), Ms. Gunilla Ericson (Sweden), Mr. Michel Tschirren (Switzerland), Ms. Lendita Dika (the former Yugoslav Republic of Macedonia), Ms. Julie Bygraves (United Kingdom of Great Britain and Northern Ireland), Ms. Laura Magezi (United Kingdom of Great Britain and Northern Ireland) and Mr. Shehab Qaid Al-Shameri (Yemen).

8. The members of the working group from India and Zimbabwe, as well as additional members from Brazil, Colombia, the Netherlands and Russia were unable to attend.

9. The following non-Party State was represented as an observer: United States of America.

10. The list of participants is available as document UNEP/FAO/RC/EFF.1/INF/3.

### **B. Adoption of the agenda**

11. In considering the sub-item, the working group had before it the provisional agenda (UNEP/FAO/RC/EFF.1/1).

12. The working group adopted the following agenda on the basis of the provisional agenda:

1. Opening of the meeting.
2. Organizational matters:
  - (a) Adoption of the agenda;
  - (b) Organization of work.
3. Overview of activities implemented pursuant to decision RC-8/8.
4. Recommendations for enhancing the effectiveness of the Convention:
  - (a) Consideration of priority actions to enhance the effectiveness of the Convention;
  - (b) Development of a set of prioritized recommendations for enhancing the effectiveness of the Convention.
5. Identification of further steps for consideration by the Conference of the Parties at its ninth meeting.
6. Other matters.
7. Closure of the meeting.

### **C. Organization of work**

13. The working group decided to conduct its meeting in accordance with the annotations to the provisional agenda UNEP/FAO/RC/EFF.1/1/Add.1, subject to adjustment as necessary.

14. The working group agreed to entrust the preparation of the meeting report to the Co-Chairs, in cooperation with the Secretariat, following the closure of the meeting.

### **III. Overview of activities implemented pursuant to decision RC-8/8**

15. Introducing the item, the representative from the Secretariat summarized the activities implemented pursuant to decision RC-8/8, including the nomination of members to the working group; the conduct of an online survey to gather suggestions from Parties on priority actions to enhance the effectiveness of the Convention and related key information gaps; the preparation of a report on the legal and operational implications of the priority actions received; and the collection of comments on the report. She highlighted that responses representing 51 Parties to the Convention had been submitted in answer to the online survey and comments representing 53 Parties and 4 observers on the report on legal and operational implications of the priority actions. In March 2018, following electronic consultations, the working group had elected Ms. Kalnins and Mr. McNee as Co-Chairs of the working group. She thanked the Governments of Australia, the European Commission, Germany and Norway for providing financial support for the intersessional work; and the Government of Latvia for hosting the meeting and providing in-kind support.

16. The working group took note of the information provided.

### **IV. Recommendations for enhancing the effectiveness of the Convention**

#### **A. Consideration of priority actions to enhance the effectiveness of the Convention**

17. The working group had before it notes by the Secretariat on the report analysing the legal and operational implications of the priority actions to enhance the effectiveness of the Rotterdam Convention (UNEP/FAO/RC/EFF.1/2), an overview of priority actions to enhance the effectiveness of the Rotterdam Convention (UNEP/FAO/RC/EFF.1/3), a synthesis and compilation of comments submitted on this (UNEP/FAO/RC/EFF.1/INF/1 and UNEP/FAO/RC/EFF.1/INF/1/Add.1) and an overview of past and ongoing activities by the Secretariat to build capacity, promote information exchange and enhance the effectiveness of the Rotterdam Convention (UNEP/FAO/RC/EFF.1/INF/2).

18. A representative of the Secretariat introduced the documents and explained that in document UNEP/FAO/RC/EFF.1/3 proposed priority activities had been clustered into four areas: priority actions related to the process of listing chemicals in Annex III; information exchange, including through the clearing-house mechanism; capacity-building and technical assistance including development of guidance and awareness raising; and other processes. The document summarized the proposed actions gathered through the survey and the comments on the report on legal and operational implications and provided information on possible approaches to implement the actions and their financial implications.

19. Another representative of the Secretariat then outlined the context of the discussions taking into account the history of the Rotterdam Convention. He recalled that the main intention of the Convention was to make existing information about hazardous chemicals more freely available and to provide a mechanism for disseminating decisions on import and export amongst all Parties. Since the entry into force of the Convention, no formal and holistic evaluation of the effectiveness of the Convention had taken place.

20. The participants then discussed the four areas of priority actions laid out in document UNEP/FAO/RC/EFF.1/3.

#### **1. Priority actions related to the process of listing chemicals in Annex III**

21. Upon suggestion by a member, the Secretariat introduced the procedural steps of the process of listing chemicals and the prior informed consent procedure under the Rotterdam Convention, as set out in the appendix to document UNEP/FAO/RC/EFF.1/2. The representative of the Secretariat highlighted that further information on the work of the Chemical Review Committee could be obtained from the reports of its meetings and the handbook of working procedures and policy guidance for the Chemical Review Committee.

22. The members then discussed the various priority actions related to the process of listing chemicals in Annex III of the Convention.

23. Several members supported the idea of establishing an expert team to assist Parties with the submission of final regulatory action, either as a subsidiary body or a roster of experts. Several others, however, questioned the mandate of such a group. According to them, the process of notifying a regulatory action was relatively simple and did not require extensive support. They suggested that the

real challenge was taking the regulatory action at the national level and carrying out risk evaluations. One member mentioned that the Secretariat could proactively identify countries that needed support in submitting final regulatory actions rather than setting up an expert team. Another member pointed out that challenges in notifying final regulatory actions often related to the lack of capacity to undertake a risk evaluation and thanked the Secretariat for organizing a workshop that had provided clarification.

24. The working group members then shared their views on the various proposals to modify the operations of the Chemical Review Committee. One member expressed concerns about the procedures under the listing process, referring in particular to the nomination of members on the Chemical Review Committee, and members' feedback to their regions. A number of members recalled that the members of the Chemical Review Committee were acting in their capacity of independent experts, but recognised that they could indeed provide more feedback, for example at the regional preparatory meetings held prior to the meetings of the Conference of the Parties.

25. One member mentioned that it was important to ensure that the nominated members had the required expertise to contribute to, and participate in, the Committee's deliberations. A number of working group members felt that guidelines for selection of members should be improved. In addition, the Secretariat should review the CVs of the nominated members to ensure they had the required qualifications and skills to carry out the work.

26. All members who spoke on the topic agreed that the current number of Committee members was sufficient. What was important, according to several members, was for the members of the Committee to attend the meetings and participate actively in the work of the Committee during meetings, and intersessionally, and to allocate sufficient time to fulfil their role. Several members expressed concern about the low participation and involvement from members of some of the UN regions.

27. Several members pointed out that the fact that the Committee worked in English only was a challenge for nominating qualified members and for members to engage actively in the discussions. While recognizing the important cost implications of simultaneous interpretation and translation of all meeting documents, several members suggested that the meeting documents be translated into all UN languages; or, if translation of all documents was not possible for budgetary reasons, certain documentation that helps improve understanding of and participation in the review process should be translated, such as for example selected chapters of the handbook of working procedures and policy guidance for the Chemical Review Committee. One of the members cautioned that even if documents were translated, much of the work of the Committee was in small groups that operated in English. In order to participate, a certain mastery of the language was imperative.

28. One member highlighted the importance of members of the Chemical Review Committee understanding the Rotterdam Convention, and suggested that members of the Committee receive training on the Convention. Another member drew attention to the orientation workshops organized every two years to accustom new members to the working procedures under the Committee. The Secretariat added that joint workshops for the Chemical Review Committee and the Stockholm Convention Persistent Organic Pollutants Review Committee were held to enhance effective participation of members and observers in the work of the committees.

29. In response to the proposed priority action to involve observers more in the Committee's work, a number of members referred to the existing opportunities for observers to participate in the work.

30. Related to the suggestion to increase guidance on the Committee's procedures, one member argued that there was no need for such additional guidance, since there was already the handbook, which was regularly updated as new experiences were gained. Another member felt that despite the existing guidance contained in the handbook, certain situations had not been addressed adequately in the Committee and thus needed to be discussed at the Conference of the Parties.

31. Several members suggested that, as the current problem of the listing process was not the adequacy of the review procedures by the Chemical Review Committee, but that chemicals that had been recommended for listing and for which all criteria were fulfilled could not be listed under the Convention as there was no consensus at the Conference of the Parties, the discussions of the working group should focus on this part of the process.

32. On the idea of collecting additional information from Parties that notified final regularly actions, one member informed the working group that the Secretariat already contacted Parties to obtain additional information on final regulatory actions. However, it was noted that this was only done when a chemical was considered by the Chemical Review Committee, rather than upon receipt of a notification, and that requesting such information upon receipt of a notification, not only from the

submitting Party but also others, could be a way to increase the information available to the Committee and other Parties.

33. Related to the proposal of creating a framework for informing Parties about the Committee's work and discussing objections to listing prior to the meeting of the Conference of the Parties, one member recalled that Parties were already invited to submit comments on the proposals to add new chemicals to the Convention, which were compiled in an information document for the Conference of the Parties.

34. On the proposal of using diplomatic channels to continue dialogue intersessionally to try to address any outstanding concerns Parties might have on chemicals proposed for listing, one observer explained that it would be useful to have an opportunity to hear concerns by Parties opposing the listing prior to the meeting of the Conference of the Parties, and to try to address their concerns. One member said that such action might be helpful, and that the Secretariat could provide a platform for such exchange. Additionally, Parties could communicate directly between each other. Another member expressed appreciation for the efforts of the Executive Secretary to have bilateral discussions to understand the concerns of Parties opposing listing of specific chemicals.

35. On the suggestion that Parties opposing listing should provide scientific evidence, one member said that while it was feasible to provide proof of harmful effects, the contrary was quite difficult. Another member objected, saying that protocols were available in science to do this.

36. On the suggestion of freezing discussions on chemicals for which consensus had not been achieved during several meetings of the Conference of the Parties until new scientific evidence appeared, one member, supported by many others, objected to this idea and recalled that the Conference of the Parties had decided on all of them that the criteria for listing had been met. A number of members additionally said that rather than freezing discussions, a way of solving the blockage should be pursued, such as allowing voting on amending Annex III to the Convention. One member said that even though all criteria were found to be fulfilled, there were still concerns about these chemicals, which had not been adequately addressed at the Chemical Review Committee level.

37. Turning towards the various proposals to amend the decision-making process for listing chemicals under the Convention, several members expressed the view that the Convention text needed to be amended to address the current blockage in listing chemicals and allow those that wanted to implement a prior informed consent procedure to do so. A number of members, on the other hand, argued that any step to amend the Convention would have a negative impact on its effectiveness and should not be considered. One member, supported by another, voiced concern over approaches that would fragment the obligations for Parties, as this would create confusion and legal uncertainty and would imply a very lengthy ratification process. He suggested focusing on alternative ways to enhance the effectiveness of the Convention.

38. Regarding the proposals to implement a voluntary prior informed consent procedure, one member, supported by another, pointed out that it would weaken the Convention, as it could create a trend of chemicals being listed only under the voluntary procedure, rather than Annex III. A third member considered that it could be used as a last resort. A number of members, while agreeing that it was not an ideal situation, expressed concerns that a few Parties blocked listing of chemicals in Annex III for which most Parties would like to exchange information. A voluntary prior informed consent procedure could address some of these concerns. Another member proposed that a voluntary prior informed consent procedure could be implemented on a temporary basis, while continuing discussion of the listing of those chemicals in Annex III.

39. Regarding the proposal to amend the Convention to allow for voting on listing chemicals in Annex III to the Convention, one member restated the position of those Parties that had made the proposal in this regard during the eighth meeting of the Conference of the Parties. He was supported by a number of others who underlined that it was the most pragmatic way to ensure the effectiveness of the Convention and to not allow a small minority to override existing scientific evidence. They pointed out that amending the Convention was foreseen in the Convention text and would allow the Convention to function better.

40. A number of members stated that although this option had drawbacks, such as the different types of obligations among Parties, it also had benefits.

41. Several other members objected to such amendments to the Convention and stated that consensus on listing chemicals in Annex III had to be maintained. One of them highlighted that there was a misunderstanding of the implications of such amendments and that a shared understanding of the Convention and its implications should be promoted. Another said that while it was technically

possible to amend the Convention, in practice the undertaking was too complex and would result in an unmanageable Convention.

42. Related to the suggestions to further examine the impacts of listing chemicals under the Convention, Co-Chair Mr. McKnee recalled that related work had already been carried out by the Secretariat and the European Commission and invited members to be specific about what kind of additional studies would be needed. One member cautioned that studies on the impacts of listing would need to be precise and look into a range of effects. Several members welcomed sharing further information on the matter, with one saying that it would probably not change the current deadlock over listing chemicals. Another member mentioned that the study from the European Commission concluded that there were no clear traceable impacts of listing chemicals on the market, in terms of availability on the market and price of the chemicals themselves and related alternatives, and that there was thus no reason to block listing of chemicals for these reasons. One member added that it had been brought to his Government's attention by industry that chemicals listed under the Convention made them illegible for certain projects, but that it could be useful to have concrete examples.

43. On the proposal to promote a shared understanding of key terminology in the Convention, a number of members felt that this could be done through training and guidance, rather than by amending the Convention text. Another suggested that it would be difficult to agree on an interpretation of legal terms. One member supported the idea of having a glossary of terms, including amending the Convention to reach greater clarity.

44. The working group took note of the information provided and discussions held.

## **2. Information exchange, including through the clearing-house mechanism**

45. The members of the working group discussed how to improve information exchange among Parties and what kind of information would be useful to Parties.

46. One member commented that a lot of information was exchanged under the Convention, but that it seemingly did not meet Parties' needs, and suggested that more information be collected on Parties' information needs.

47. Another member invited Parties to actively seek and make use of information that was available, for instance on risk assessments, and offered to share such information upon request, for example in connection with export notifications. One member, while recognizing that substantive information was made available, explained challenges faced by many Parties in making use of that information and providing timely responses to export notifications. He called for assistance from other Parties to overcome such challenges. A third member expressed appreciation for information made available by some Parties and invited other Parties to do the same.

48. One member mentioned regional collaboration as an important tool for information exchange. Another member expressed her view that the accessibility of information on the Rotterdam Convention webpage could be improved, for example information on chemicals that were waiting for a second notification of final regulatory action in order to be considered by the Chemical Review Committee.

49. One member highlighted the importance of information on alternatives and called for improved information exchange on alternatives to chemicals proposed for listing and listed under the Convention. Another suggested that the Chemical Review Committee look into the issue of alternatives. Several others however recalled that information on alternatives was already included in the decision guidance documents, if made available by the notifying Parties. These members cautioned against increasing requirements related to information on alternatives and advocated that it should remain optional. Alternatives were often specific to pest-crop combinations, as well as climatic conditions and it would be time-intensive to keep information up to date. One member underlined that the intention of the Rotterdam Convention was not to ban chemicals listed under the Convention. Another said that the Chemical Review Committee only looked into information provided in the notifications and could thus not carry out an assessment of alternatives.

50. Related to the suggested priority actions to improve information-exchange on final regulatory actions taken, several members agreed that it would be useful to do so, for example through a platform on the clearing-house mechanism, but cautioned that it should be voluntary and not place an additional burden on countries, as many were already struggling to fulfil the requirements of providing notifications of final regulatory actions. One member felt that it should be clarified what was the additional information sought from Parties on final regulatory actions taken, in addition to the information that Parties were currently required to report on.

51. Related to the PIC Circular, the members agreed that providing the Circular on a physical device and sending it out by post in addition to the online version was very helpful in regions that suffered from slow or instable internet access. Upon a question from a member, the Secretariat explained that it intended to continue this practice, switching however to a more up-to-date data medium, i.e. from CD ROM to a wafer card already as of PIC circular XLVII, to be published in June 2018.

52. Related to the suggestion of providing an online system for prior informed consent operations, the Secretariat clarified that several operations of the prior informed consent system were already available online, namely notifications of final regulatory actions and import responses. One member suggested that export notifications between Parties should also be facilitated through a software, installed on the computers of all designated national authorities, that allowed a user-friendly and paper-less dealing with incoming import requests. Some exporting countries already successfully used such a software.

53. The working group took note of the information provided and discussions held.

### **3. Capacity-building and technical assistance including development of guidance and awareness raising**

54. During the discussions on capacity-building and technical assistance, many members underlined the importance of offering tools, training, capacity building and projects to Parties. Specific areas of assistance highlighted included enhancing coordination at the national and international level; collecting and accessing information about chemicals at the national level; risk assessment of chemicals; adopting final regulatory actions on chemicals proposed for listing under the Convention for which no consensus on listing could be reached; enhancing legal frameworks and national capacity; cooperation with customs authorities; and frameworks for trade controls. The members suggested that Parties would benefit from bilateral and interregional collaboration; regular regional and sub-regional meetings; technology transfer; and furthering the synergies process among the Basel, Rotterdam and Stockholm conventions. Related to these suggestion, the Secretariat recalled the high number of technical assistance activities it already carried out and had planned for according to the programme of work for 2018-2019, addressing the topics mentioned. The Secretariat further explained how to request technical assistance from the Secretariat and that nearly all requests received had been addressed so far.

55. One member called for technical and financial assistance under the Rotterdam Convention to implement sound chemicals management overall. While the Convention had originally been set up to facilitate information exchange on certain hazardous chemicals, the issues had evolved and the lack of capacity of countries on all issues related to life-cycle approach on chemicals had to be addressed. Another member responded that it was not possible to address the entire chemicals management infrastructure through the Rotterdam Convention, but that a concentration on certain topics was necessary, for example chemicals proposed for listing for which no agreement could be achieved.

56. One member recalled the existence of the Special Programme, which had been set up to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management (SAICM). Several members expressed appreciation to the Special Programme for facilitating this work. A number of members however stressed the funding constraints of the Programme compared to the much bigger needs in many countries.

57. One member suggested that in order to enhance customs controls, specific customs codes should be allocated to substances individually.

58. Related to the proposals to develop guidance, the group took note of the various needs expressed. Several members suggested prioritizing the need for additional guidance, taking into account existing guidance. Rather than developing new guidance, the focus should be on how to make the existing information easily available to Parties and integrating it into training and other activities. Related to this suggestion, the Secretariat explained that a revision of the Resource Kit was currently undertaken and that this would make all available guidance more user-friendly.

59. Related to the proposals to raise awareness about the Convention, a number of members pointed out that there was a general misconception among stakeholders on the purpose of the treaty and the implications of listing chemicals. It was proposed that the Secretariat should stress in its outreach programme the purpose of the Convention. A number of members highlighted the usefulness of linking such awareness-raising to the Sustainable Development Goals and the high political forum on sustainable development.

60. Related to the proposal of signing a memorandum of understanding with the World Trade Organization on exchange and dissemination of information about the Convention, the Secretariat clarified that its request to obtain observer status in the Committee on Trade and Environment was still pending. It did however attend the meetings and exchanged information with the Organization. While one member expressed doubt that more could be done on this front, a number of others called for the World Trade Organization to contribute towards efforts of supporting the implementation of the Rotterdam Convention and enhanced international cooperation. One member suggested that Parties who are also parties to the World Trade Organization should press for the Secretariat to be granted observer status.

61. A number of members pointed to the need for additional financial resources for the implementation of the Convention. Several members supported the suggestion of establishing a sustainable financial mechanism under the Rotterdam Convention. This would imply amending the Convention, as proposed by several African countries at the eighth meeting of the Conference of the Parties. One member recalled a document prepared for the third meeting of the Conference of the Parties that provided a study of possible options for lasting and sustainable financial mechanisms.<sup>2</sup> A number of members suggested exploring further the options outlined in that document.

62. Several other members opposed setting up an additional financial mechanism, recalling that other mechanisms, including the Special Programme, had been set up for this purpose. Support should be provided to Parties under the current arrangements and structures. One member responded that funds made available under existing mechanisms were not sufficient to address the full problem of chemicals and wastes management.

63. Related to the proposal of improving coordination between government and stakeholders at the national level and involving stakeholders in national implementation, several members highlighted the importance of coordination at the national level. One member requested support from the Secretariat in doing so. Another member mentioned a project implemented by the FAO part of the Secretariat in his region, to assess the level of implementation of the Convention, involving the various ministries and stakeholders. He invited the Secretariat to provide more information on such activities to the Conference of the Parties. Another member recalled the wide range of stakeholders involved in the work under the Convention and that it was important to define their roles and responsibilities under the Convention.

64. Several members supported the proposal to establish national specialists' units for chemicals and wastes management to enhance implementation of the Rotterdam Convention. A number of members cited the successful experience in doing so under the Montreal Protocol on substances that deplete the ozone layer. One member explained that such a unit had been created in her country, thanks to the support of the Special Programme, but that still many obstacles to sound management of chemicals and wastes, such as lacking legal frameworks, were being encountered.

65. The working group took note of the information provided and discussions held.

#### **4. Other processes**

66. In discussing the possible adoption of a compliance mechanism, all members who spoke expressed support for the adoption of a compliance mechanism, as foreseen in the text of the Convention. A number of members voiced concern over the existing opposition to the adoption of such a mechanism. Further work was still needed to discuss with Parties that had concerns to reach agreement at the next meeting of the Conference of the Parties.

67. Several members endorsed the idea of carrying out an evaluation of the effectiveness of the Rotterdam Convention, in order to have better understanding about what worked well and what could be improved under the Convention. One member pointed out that the experience gained during the present intersessional period on enhancing the effectiveness of the Convention should be used during a future effectiveness evaluation. Another member highlighted the positive experience of other evaluations done under the framework of the Basel, Rotterdam and Stockholm conventions, such as the synergies review process. A third member recalled that such an evaluation should not be limited to the process of listing chemicals under the Convention, but all the areas contained in decision RC-8/8. Its framework would require careful discussion, as it would be different from those under other conventions in the chemicals and wastes cluster that produced information through defined processes, such as national reporting or global monitoring schemes.

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<sup>2</sup> UNEP/FAO/RC/COP.3/13.

## **B. Development of a set of prioritized recommendations for enhancing the effectiveness of the Convention**

68. In introducing the sub-item, Ms. Kalnins suggested that the working group structure its recommendations according to the following timelines: activities that could be implemented before the next meeting of the Conference of the Parties and recommendations to the Conference of the Parties to be considered at its ninth meeting. The working group then tasked the Co-Chairs to prepare a draft of the prioritized recommendations for enhancing the effectiveness of the Convention for discussion by the working group.

69. Subsequently, Co-Chair Kalnins presented draft recommendations, prepared by the two Co-Chairs. She highlighted that the list of recommendations constituted a starting point for discussion and invited the working group to make proposals to add, correct or modify the recommendations.

70. In response to a question from a member, the Secretariat clarified that the working group was not to prepare a draft decision on enhancing the effectiveness of the Rotterdam Convention for consideration and possible adoption by the Conference of the Parties at its ninth meeting, but focus on the prioritized recommendations and next steps, as mandated by decision RC-8/8. Those two products would be annexed to the report of the present meeting. A draft decision would be prepared by the Secretariat in its pre-session meeting document.

71. In the ensuing discussion, all members who spoke thanked the Co-Chairs for the well-prepared document and made various suggestions for amending the Co-Chairs' proposal. While several members asked for an increased focus on modifying the process for listing chemicals, others felt that it should not be singled out. Others expressed a wish for establishing stronger linkages with other fora dealing with chemicals and waste management in order that the needs of Parties in implementing the Rotterdam Convention could be taken into account in the broader context of chemicals and waste management.

72. Several members of the working group raised questions related to the proposals to amend Articles 16 and 22 of the Rotterdam Convention that had been presented by some African Parties at the eighth meeting of the Conference of the Parties. In response, the Secretariat clarified that as per rule 16 of the Rules of Procedure, any item of the agenda of an ordinary meeting, consideration of which had not been completed at the meeting, shall be included automatically in the provisional agenda of the next ordinary meeting, unless otherwise decided by the Conference of the Parties. These amendment proposals would thus be considered at the ninth meeting of the Conference of the Parties.

73. In response to the question from a member, the Secretariat clarified that it would carry out activities proposed for it in the working group's prioritized recommendations prior to the next meeting of the Conference of the Parties, subject to the availability of financial resources, as they were within its general mandate to prepare for the meetings of the Conference of the Parties and to support the intersessional working group.

74. Following discussions and amendments to the draft Co-Chair's text, the working group agreed on prioritized recommendations for enhancing the effectiveness of the Rotterdam Convention. The working group furthermore agreed to task the Secretariat to review the document for harmonization and consistency issues from an editorial aspect.

75. The prioritized recommendations for enhancing the effectiveness of the Convention and further steps, as agreed to by the working group, are set out in the annex to the present report.

## **V. Identification of further steps for consideration by the Conference of the Parties at its ninth meeting**

76. The working group tasked the Co-Chairs to prepare draft further steps for consideration by the Conference of the Parties at its ninth meeting for discussion by the working group.

77. Subsequently, the Co-Chairs presented draft further steps that they had prepared. In the ensuing discussion the working group agreed that they had provided sufficient recommendations on next steps under agenda item 4 (b). No additional report on further steps was thus required. The prioritized recommendations for enhancing the effectiveness of the Convention and further steps, as agreed to by the working group, are set out in the annex to the present report.

## **VI. Other matters**

78. No other matters were raised.

## **VII. Closure of the meeting**

79. Following the customary exchange of courtesies, the Co-Chairs declared the meeting closed at 7:05 p.m. on Wednesday, 6 June 2018.

## Annex

### Priority actions and further steps to enhance the effectiveness of the Rotterdam Convention

At its meeting on 4-6 June 2018 in Riga, Latvia, the members of the intersessional working group on enhancing the effectiveness of the Rotterdam Convention discussed a wide range of priority actions to enhance the effectiveness of the Rotterdam Convention. All members restated their unwavering commitment towards the Rotterdam Convention and its objective.

The development of the priority actions was based on the report analysing the legal and operational implications of the priority actions (UNEP/FAO/RC/EFF.1/2) and the comments received by Parties and others on the report (UNEP/FAO/RC/EFF.1/INF/1, annex II) and related to the process of listing chemicals in Annex III to the Convention, information exchange, capacity-building and other processes that could enhance the effectiveness of the Convention, including proposals to amend the Convention. While many issues discussed that are related to general chemicals and waste management capacities are of significant importance, the below recommendations focus on those activities that are within the remit of the Rotterdam Convention.

Taking into account its mandate pursuant to decision RC-8/8 to develop a set of prioritized recommendations for enhancing the effectiveness of the Convention, the working group recommends the following actions:

#### **1. Priority actions to be implemented between the Riga meeting and the ninth meeting of the Conference of the Parties**

##### **1.1. Priority actions related to the process of listing chemicals in Annex III**

- 1.1.1 Secretariat to prepare an analysis of the operational implications of the proposals to amend the Convention, including those submitted to the eighth meeting of the Conference of the Parties, and the proposals for a voluntary prior informed consent procedure, building on the preliminary information contained in the report on legal and operational implications of priority actions to enhance the effectiveness of the Rotterdam Convention (UNEP/FAO/RC/EFF.1/2). This analysis shall discuss the proposals, in practical and legal terms, taking into account the comments received to date and the discussions in Riga.
- 1.1.2 Secretariat to continue to collect and share information that is made available on the measurable impacts of listing chemicals in Annex III, including information from Parties, non-Parties, industry, civil society and other stakeholders.
- 1.1.3 Secretariat to identify and develop a proposal for consideration by the ninth meeting of the Conference of the Parties for translating documents into the UN languages that could facilitate increasing engagement by Chemical Review Committee members in the work of the Committee.
- 1.1.4 Secretariat to identify and propose, if appropriate, recommendations for improving participation, openness, and transparency in the Chemical Review Committee process, with the aim of: increasing the engagement of the Committee, both its members and its observers; furthering the understanding of the criteria of the Convention and the necessary review required by Article 5; and facilitating the engagement of all Parties.

##### **1.2. Information exchange, including through the clearing-house mechanism**

- 1.2.1 Secretariat to explore new and innovative ways for improving information exchange and develop a proposal for the ninth meeting of the Conference of the Parties on:
  - Improving information exchange among Parties under Article 14;
  - Exchanging information on alternatives;
  - Exchanging information on final regulatory actions and explore ways of making complete final regulatory actions available;
  - Possibility of an online system/software for prior informed consent operations, export notifications and assistance from countries that have developed such software.
- 1.2.2 Secretariat to facilitate making use of the regional preparatory meetings prior to the ninth meeting of the Conference of the Parties for enhanced information sharing, including on:

- Briefing by a Chemical Review Committee member to the Parties in the region about the work of the Committee;
- Discussion of nominations of members of subsidiary bodies ahead of the ninth meeting of the Conference of the Parties, including informing Parties of positions to be filled early in advance of the meeting and making information available on positions to be filled and CVs of nominations submitted prior to the regional preparatory meetings.

### **1.3. Capacity-building and technical assistance including development of guidance and awareness raising**

- 1.3.1 Secretariat to facilitate Party-to-Party support upon request.
- 1.3.2 Secretariat to maintain a regular Designated National Authority training programme, subject to the availability of funding, and take into account, as appropriate, elements described in references 110, 112, 113, 116, 130, 151, 211, 220, 241, 230, 231, 232, 340, 350, 371, 373, 382, 390 and comments thereon provided by Parties and observers laid out in section 3 of the annex of document UNEP/FAO/RC/EFF.1/3 in its technical assistance plan.
- 1.3.3 Secretariat to identify ways to facilitate effective and useful dissemination of the information, tools and guidance and use in capacity-building and technical assistance activities. In addition, the Secretariat will identify gaps, taking into account existing information and guidance, and provide assistance, upon request, subject to the availability of funding.
- 1.3.4 Secretariat to continue to work closely with the Participating Organizations of the Inter-Organization Programme for the Sound Management of Chemicals to collect and share up-to-date information about national and regional success stories in implementing the Rotterdam Convention.

### **1.4. Other processes**

- 1.4.1 Secretariat to compile information on effectiveness evaluation practices under other chemicals and wastes conventions, taking into account the specificities of the Rotterdam Convention, and prepare options for a framework on the assessment of the effectiveness of the Rotterdam Convention for consideration at the ninth meeting of the Conference of the Parties.

## **2. Priority actions for consideration at the ninth meeting of the Conference of the Parties**

### **2.1 Priority actions related to the process of listing chemicals in Annex III**

- 2.1.1 Conference of the Parties at its ninth meeting to consider the analyses of the operational implications of the proposals to amend the Convention, including those submitted to the eighth meeting of the Conference of the Parties, and the proposals for a voluntary prior informed consent procedure.
- 2.1.2 Conference of the Parties at its ninth meeting to request the Secretariat to increase efforts to assist Parties, upon request and subject to the availability of funding, with preparing notifications of final regulatory action.
- 2.1.3 Conference of the Parties at its ninth meeting to recall the need to take into account the responsibilities including qualifications in accordance with the terms of reference of the Chemical Review Committee and commitments of Committee members when nominating members.
- 2.1.4 Conference of the Parties at its ninth meeting to consider information made available pursuant to 1.1.4.

### **2.2 Information exchange, including through the clearing-house mechanism**

- 2.2.1 Conference of the Parties at its ninth meeting to consider options to improve information exchange, based on the actions in 1.2.1.

### **2.3 Capacity-building and technical assistance including development of guidance and awareness raising**

- 2.3.1 Conference of the Parties at its ninth meeting to request the Secretariat to draft an approach for securing financial resources for consideration by the tenth meeting of the Conference of the Parties.
- 2.3.2 Conference of the Parties at its ninth meeting to recall the importance of implementing Articles 15 and 16 to the Convention.

- 2.3.3 Conference of the Parties at its ninth meeting to consider providing budget for training material and guidance in languages.
- 2.3.4 Conference of the Parties at its ninth meeting to invite increased cooperation with other forums engaged in chemicals management to collaborate in addressing issues that support implementation of the Convention.

#### **2.4 Other processes**

- 2.4.1 Conference of the Parties at its ninth meeting to adopt a compliance mechanism pursuant to Article 17 of the Rotterdam Convention.
  - 2.4.2 Conference of the Parties at its ninth meeting to review information prepared under 1.4.1 and consider establishing a process for a structured assessment of the effectiveness of the Convention.
  - 2.4.3 Conference of the Parties at its ninth meeting to consider requesting the Secretariat to propose to the World Customs Organization to have specific customs codes for individual substances listed under the Rotterdam Convention.
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