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**Rotterdam Convention on the Prior
Informed Consent Procedure for Certain
Hazardous Chemicals and Pesticides in
International Trade
Conference of the Parties
Third meeting
Geneva, 9–13 October 2006
Item 5(a) of the provisional agenda*
Implementation of the Convention: status of implementation**

Status of implementation of the Convention

Note by the secretariat

1. In order to inform the Conference of the Parties regarding progress in the implementation of the Rotterdam Convention, the Secretariat has prepared a detailed report, contained in the annex to the present note, for consideration by the Conference at its third meeting. The report provides information on the status of implementation of the Convention as of 30 April 2006, based on the requirements set out in the Convention.
2. The Conference may wish:
 - (a) To review and note the status of Parties and the progress they have made in the implementation of the Convention as of 30 April 2006;
 - (b) To remind Parties of their obligations to ensure the effective operation of the Convention;
 - (c) To take into account the information presented in the report when considering issues related to technical assistance under item 6 (c) of the provisional agenda (UNEP/FAO/RC/COP.3/1).

* UNEP/FAO/RC/COP.3/1.

Annex

Status of implementation of the Rotterdam Convention as of 30 April 2006

Report by the Secretariat

Introduction

1. The present report provides information on the status of implementation of the Rotterdam Convention as of 30 April 2006, highlighting progress in implementation during the period between 1 May 2005 and 30 April 2006 and providing information on the previous two reporting periods to allow for comparison. It also provides information on the level of ratification and implementation of the Convention in each of the PIC regions. The information contained in the note is limited to those Parties for which the Convention had entered into force as of 30 April 2006.

2. The report contains eight chapters that reflect the information circulated to designated national authorities by the secretariat each June and December through the PIC Circular pursuant to articles 4–7, 10, 11 and 14 of the Convention, as well as information relating to the provisions of articles 12–14 and 16, including activities of Parties which are not reported in the PIC Circular.

I. Parties and designated national authorities

3. Article 4 of the Convention contains provisions relating to designated national authorities.

4. As of 30 April 2006, there were 102 Parties to the Convention for which the Convention had entered into force. Table 1 below shows the number of Parties in each PIC region, as well as the percentage of countries in each region that are Parties. Among the Parties, 98 had designated a total of 165 national authorities as of 30 April 2006, while four (Djibouti, Equatorial Guinea, Eritrea and Lichtenstein) had not yet notified the secretariat of their designated national authorities. Accordingly, the secretariat sent a letter to the official contact points of those Parties on 1 March 2006 reminding them of this obligation.

5. The secretariat updates the list of designated national authorities as new designations and changes to existing designations are received and distributes the complete list with the PIC circular every six months. The list is also made available on the Convention website (www.pic.int).

Table 1. Overview of the number and distribution of Parties according to the PIC regions (as of 30 April 2006)

| PIC region | Number of Parties | Parties as a percentage of countries within each region |
|---------------------------------|-------------------|---|
| Africa | 30 | 56 |
| Asia | 12 | 46 |
| Europe | 31 | 63 |
| Latin America and the Caribbean | 16 | 49 |
| Near East | 7 | 41 |
| North America | 1 | 50 |
| South Pacific | 5 | 31 |

II. Notification of final regulatory action to ban or severely restrict a chemical

6. Article 5 of the Convention sets forth provisions relating to the notification of final regulatory actions to ban or severely restrict a chemical.

7. In accordance with paragraph 3 of article 5, the secretariat circulates summaries of individual notifications of final regulatory actions received after verifying that they contain the information required under Annex I of the Convention. Paragraph 4 of the same article obliges the secretariat to circulate a synopsis of all of notifications of final regulatory action which it has received, including information regarding those notifications that do not contain all the information required under Annex I of the Convention. This information is communicated to Parties through appendix I of the PIC Circular

8. As of 30 April, a total of 61 Parties had submitted notifications, including those who did so prior to 1998. The notifications submitted before the adoption of the Convention in September 1998, however, do not meet the requirements of Annex I because the information requirements for notification under the original PIC procedure were different than those of the Convention. PIC Circular X (December 1999) contains a synopsis of notifications of final regulatory actions received before September 1998 under the original PIC procedure. Table 2 below shows the number of Parties in each PIC region that have submitted at least one notification and the number of Parties that have not submitted any notifications. The relatively large number of Parties from some regions that have not provided any notifications may reflect the state of chemicals management infrastructure in those regions. It should also be noted that while the Convention requires Parties to notify the secretariat when taking final regulatory actions to ban or severely restrict a chemical, there is no obligation under the Convention for Parties to take such action to ban or severely restrict a chemical.

Table 2. Number of Parties in each PIC region submitting notifications of final regulatory action and those submitting none (as of 30 April 2006)

| PIC region | Number of Parties submitting notifications | Number of Parties submitting no notifications |
|---------------------------------|--|---|
| Africa | 8 | 22 |
| Asia | 9 | 3 |
| Europe | 28 | 3 |
| Latin America and the Caribbean | 9 | 7 |
| Near East | 3 | 4 |
| North America | 1 | 0 |
| South Pacific | 3 | 2 |

9. Table 3 below shows the number of notifications submitted between May 2003 and April 2006 and published in PIC Circulars XVIII to XXIII and related information. The large number of notifications submitted between May 2004 and April 2005 may be attributed in part to the entry into force of the Convention in February 2004. It should be noted that notifications not meeting Annex I requirements were received from only a limited number of Parties.

Table 3. Number of Parties submitting notifications over the 12-month period between 1 May 2003 and 30 April 2006

| Reporting period | Number of Parties submitting notifications | Number of notifications meeting Annex I requirements | Number of notifications not meeting Annex I requirements and number of Parties submitting |
|--------------------------|--|--|---|
| 1 May 2005–30 April 2006 | 27 | 138 | 55 from 1 Party |
| 1 May 2004–30 April 2005 | 35 | 277 | 20 from 4 Parties |
| 1 May 2003–30 April 2004 | 20 | 91 | 18 from 1 Party |

10. As of 30 April 2006, a total of 566 notifications for 206 chemicals had been submitted from Parties which were verified by the secretariat as having met the information requirements of Annex I. Of the 206 chemicals concerned, 39 are presently listed in Annex III of the Convention. Three chemicals were the subject of notifications received from at least two prior informed consent regions. Those three are therefore under consideration by the Chemical Review committee for inclusion in the PIC procedure. However, 164 chemicals for which notifications have been received are not currently listed in Annex III. Once an additional notification, verified

as meeting the information requirements of Annex I, has been submitted from a second prior informed consent region for one or more of these 164 chemicals, they will then be taken up as candidates for consideration by the Chemical Review Committee for inclusion in the PIC procedure. A current list of the chemicals for which notifications have been received and the regions from which the verified notifications pertaining thereto were submitted may be found in Annex V of PIC Circular XXIII, which was published in June 2006.

11. Under Article 5 of the Convention, Parties, when taking final regulatory actions to ban or severely restrict chemicals, must notify the Secretariat of such actions in a timely manner and provide in the notification the information required by Annex I, where available.

12. The Conference of the Parties may wish to remind Parties that have adopted final regulatory actions to notify the secretariat of that fact within the timeframe established by paragraphs 1 and 2 of article 5 if they have not yet done so. At the same time, the Conference may wish to draw the attention of Parties to the 164 chemicals for which at least one complete notification already exists and propose that in preparing notifications of final regulatory action Parties give priority to those chemicals. Similarly, although Parties are not obliged to resubmit notifications submitted under the original PIC procedure (paragraph 2 of article 5), which were published in PIC Circular X, they may wish to consider doing so for those chemicals not presently listed in Annex III in the event that additional information is available.

13. At its second meeting, in February 2006, the Chemical Review Committee considered nine chemicals and groups of chemicals for each of which at least one notification had been received from at least two prior informed consent regions. Two of those, endosulfan and tributyl tin compounds, were found to meet the requirements of the Convention. Decision guidance documents for the two are accordingly being prepared.

14. As of 30 April 2006, there were four new candidate chemicals for consideration by the Chemical Review Committee at its third meeting: benzidine, endrin, methamedophose and mirex.

III. Proposal for inclusion of severely hazardous pesticide formulations

15. Article 6 of the Convention sets forth provisions relating to proposal for inclusion of severely hazardous pesticide formulations in Annex III.

16. Within the reporting period 1 May 2005 to 30 April 2006, no proposals for severely hazardous pesticide formulations were received by the secretariat. Since the adoption of the Convention in 1998, only one proposal for inclusion of a severely hazardous pesticide formulation has been received.

17. The Conference of the Parties may wish to invite each Party that is a developing country or a country with an economy in transition and that is experiencing problems caused by a severely hazardous pesticide formulation under conditions of use in its territory to propose to the Secretariat the listing of that formulation in Annex III.

18. The implementation of article 6 is further considered under agenda item 6 (c) on technical assistance and is discussed in documents UNEP/FAO/RC/COP.3/14 and 15.

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

19. Article 10 sets forth provisions in relation to the import of chemicals listed in Annex III, including the obligation of Parties to submit a response to the Secretariat concerning future import of those chemicals.

20. In accordance with paragraph 10 of article 10, the secretariat informs all Parties of the responses received regarding future imports every six months including, where available, a description of the legislative or administrative measures on which import decisions are based. Information on cases of failure on the part of Parties to transmit responses is also provided. This information is communicated to Parties through appendix IV of the PIC Circular.

21. As of 1 January 2006, 24 pesticides, four severely hazardous pesticide formulations and 11 industrial chemicals were listed in Annex III and were therefore subject to the prior informed consent procedure. Parties are obliged to submit import responses for each of these chemicals.

22. As of 30 April 2006, a total of 2,693 import responses had been submitted by 90 Parties. The average response rate among all Parties is 68 per cent for the 39 chemicals listed in Annex III. Table 4 summarizes the number of import responses provided by Parties in each PIC region, as well as the number of Parties that have not provided any import response and overall response rates.

Table 4. Number of Parties submitting import responses, number of Parties submitting no response and average response rates in each PIC region (as of 30 April 2006)

| PIC region | Parties that have submitted one or more import response | Parties that have submitted no import responses | Average import response rate per region |
|---------------------------------|---|---|---|
| Africa | 22 | 7 | 43% |
| Asia | 12 | 0 | 80% |
| Europe | 29 | 2 | 90% |
| Latin America and the Caribbean | 16 | 0 | 65% |
| Near East | 6 | 1 | 56% |
| North America | 1 | 0 | 100% |
| South Pacific | 4 | 1 | 66% |

23. The secretariat sent a letter on 5 April 2006 to Parties¹ that had not yet submitted import responses for any of the Annex III chemicals at that time, with a request to do so. In the letter, the Parties were also invited to contact the secretariat should they require further information or assistance in the preparation and submission of import responses. One Party (South Africa) responded to the letter of the secretariat with import responses for 38 PIC chemicals. A further such letter was sent to a Party (Republic of Moldova) that had not provided any import responses and for which the Convention entered into force after 5 April 2006.

24. For the 14 chemicals added to Annex III at the first meeting of the Conference of the Parties by decision RC-1/3, decision guidance documents were circulated to all Parties on 1 February 2005, together with a request for them to submit their decisions regarding future imports of those chemicals to the Secretariat by 30 October 2005. It was also noted that responses previously submitted under the interim PIC procedure did not need to be resubmitted. Following this deadline, the secretariat wrote to each of the 68 parties that had not provided all responses for the 14 chemicals requesting them to do so. A further eight Parties responded to the letter with a total of 48 import decisions.

25. The addition of monocrotophos and parathion to Annex III by decision RC-1/3 applies to all types of formulations of those pesticides, including the severely hazardous pesticide formulations already listed. Noting this double listing, the Conference agreed in the same decision that the existing entries in Annex III for the severely hazardous pesticide formulations of monocrotophos and parathion would be deleted, with effect from 1 January 2006. Consequently, PIC Circular XXII (December 2005) was the last Circular to include import responses for these severely hazardous pesticide formulations. The fact that those import responses would be deleted from subsequent PIC Circulars was communicated to all Parties through PIC Circulars XXI and XXII in June and December 2005, respectively. As of 30 April 2006, 22 Parties that had submitted import responses for the severely hazardous pesticide formulations of monocrotophos and/or parathion had yet to provide import responses reflecting the addition of all formulations of monocrotophos and parathion to Annex III. In May 2006, the Secretariat sent reminder letters to each of those Parties drawing their attention to the deletion of those import responses and the need to submit import responses for all types of formulations of monocrotophos and parathion in accordance with decision RC-1/3.

26. The number of import responses submitted between May 2003 and April 2006 and published in PIC Circulars XVIII to XXIII is shown in Table 5. The increase in the number of

¹ Ukraine, Marshall Islands, Saudi Arabia, Djibouti, Equatorial Guinea, Eritrea, Libyan Arab Jamahiriya, Mali, Mauritania, Namibia, South Africa and Senegal

responses submitted between May 2004 and April 2005 may be attributed in part to the entry into force of the Convention in February 2004.

Table 5. Number of Parties submitting import responses and number of import responses received over the 12-month period between 1 May 2003 and 30 April 2006

| Reporting period | Parties responding | Import responses |
|--------------------------|--------------------|------------------|
| 1 May 2005–30 April 2006 | 35 | 375 |
| 1 May 2004–30 April 2005 | 44 | 822 |
| 1 May 2003–30 April 2004 | 39 | 296 |

27. Under Article 10 of the Convention, all Parties are to submit to the secretariat in a timely manner responses concerning future imports of each of the chemicals in Annex III.

28. The Conference of the Parties may wish to remind Parties to submit to the secretariat, as soon as possible, import responses for each of the 39 chemicals currently included in Annex III if they have not yet done so. The timely submission of import responses for all chemicals in Annex III is essential for the effective operation of the prior informed consent procedure.

V. Obligations in relation to the export of chemicals

29. Article 11 sets out obligations relating to the export of chemicals in Annex III, including the exporter's obligation to comply with the import responses as contained in appendix IV of the PIC Circular. It also provides for cases of failure of a party to transmit an import response.

30. Article 12 sets out the requirements relating to export notification for chemicals that are banned or severely restricted by the exporting Party.

31. Article 13 sets out further information requirements relevant to chemicals in Annex III as well as chemicals that are banned or severely restricted by an exporting Party, including labelling and safety data sheets to accompany exports.

32. As such information is provided directly from the exporting Party to the importing Party, the secretariat does not have any indication of the status of implementation of articles 11, 12 and 13. Parties may wish to report to the Conference of the Parties at its third meeting on their experience with the implementation of these articles.

VI. Information exchange provisions

33. Under paragraph 1 of article 14, Parties are invited 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.

34. During the reporting period, the secretariat received one request from one Party (the European Union) to convey to other Parties information from that Party relating to regulatory actions in the Party. The information was included with PIC Circulars XXI (June 2005) and XXII (December 2005).

35. The secretariat has provided a place on the Rotterdam Convention website where information on alternatives to chemicals included in Annex III and national risk evaluations performed on chemicals included in Annex III may be posted. During the reporting period, one request (from Japan) to post an additional evaluation was received and the evaluation was posted on the website.

36. Under paragraph 5 of article 14, any Party requiring information on transit movements through its territory of chemicals listed in Annex III may so inform the Secretariat, which shall inform all Parties accordingly. As of 30 April 2006, no Party had informed the secretariat that it required such information.

37. Parties may wish to report to the Conference of the Parties at its third meeting on their experience with the direct provision of information from other Parties. They may also wish to

indicate the availability of information relating to alternatives to chemicals included in Annex III or national risk evaluations on chemicals included in Annex III. The secretariat has prepared a note on mechanisms under the Convention for information exchange (UNEP/FAO/RC/COP.3/21). Parties may wish to discuss the issue further under item 6 (i) of the provisional agenda, concerning mechanisms for information exchange.

VII. Technical assistance

38. Article 16 of the Convention sets out provisions on technical assistance. The secretariat has prepared a note on its activities on technical assistance (UNEP/FAO/RC/COP.3/14). Parties may wish to report on their experience in the implementation of article 16 under item 6 (c) of the provisional agenda, on technical assistance.

39. In considering the technical assistance program, the Conference of the Parties may wish to consider the information provided in the current note on the status of implementation by Parties.

VIII. Termination of the interim PIC procedure

40. At its first meeting, the Conference of the Parties, in decision RC.1/13, adopted transitional arrangements regarding the interim PIC procedure, which would apply from the entry into force of the Convention (24 February 2004) for a transition period of two years.

41. The same decision provided that at the end of the transition period, import responses and the list of designated national authorities from non-Parties would be retained, but not updated or circulated, by the secretariat. That information is accordingly maintained on the Convention website and is accompanied by a clear caveat addressing the date of publication, the absence of updates and the lack of liability accepted for the use of potentially outdated information.

42. In August 2006, the secretariat sent a letter to all States that had participated in the interim PIC procedure reminding them of the procedure's termination on 24 February 2006. Information regarding the end of the transition period was also provided in PIC Circulars XXI and XXII, in June and December 2005, respectively.

43. The secretariat no longer accepts submissions of notifications of final regulatory actions, proposals for severely hazardous pesticide formulations, import responses or information on the contact details for designated national authorities from non-Parties. Since the end of the transition period, the secretariat has received one submission containing both import responses and notifications of final regulatory action from a non-Party. The submission was received on 21 April 2006 and was returned to the submitting country on 8 May 2006 with clarification.
