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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 7 of the provisional agenda***

Report on the activities of the secretariat

Activities of the secretariat

Note by the secretariat

1. Annexed to the present note is a report prepared by the secretariat on its activities during the period from 1 May 2005 to 30 April 2006, which were undertaken in accordance with its mandate under the Convention and as directed by the Conference of the Parties.
2. The Conference of the Parties may wish:
 - (a) To review and note the work undertaken by the secretariat;
 - (b) To take into account the work undertaken by the secretariat in considering the draft budget for the 2007–2008 biennium.

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

Annex

Secretariat activities from May 2005 to 30 April 2006

Introduction

1. Except as otherwise noted or where apparent from the context, the present note describes activities undertaken by the secretariat during the period from 1 May 2005 to 30 April 2006.
2. During this period, Ms. Monique Barbut, Director of the Division of Technology, Industry and Economics of the United Nations Environment Programme (UNEP), continued as Officer-in-Charge of the secretariat office in Geneva.
3. The functions of the secretariat are defined in Article 19, paragraph 2, of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade. For ease of reference, the activities of the secretariat are described in the present note in terms of those functions.

I. Meetings of the Conference of the Parties and its subsidiary bodies

A. Second meeting of the Conference of the Parties

4. The secretariat made arrangements for the second meeting of the Conference of the Parties, which took place in Rome from 27 to 30 September 2005. The meeting was attended by more than 400 participants, representing over 130 Governments and a number of intergovernmental organizations, non-governmental organizations and United Nations agencies. Documents for the meeting, including 18 meeting documents and a number of information documents, were dispatched to all Governments at least 60 days prior to the meeting in line with the rules of procedures, and were also made available on the Rotterdam Convention website in all six United Nations languages, where appropriate. The report of the meeting has been published as document UNEP/FAO/RC/COP.2/19 and is available on the Rotterdam Convention website.
5. The secretariat made travel arrangements enabling the attendance at the meeting of one representative from each developing country Party or Party with economy in transition (48 participants); additionally, arrangements were made for the attendance of 12 non-Parties who provided a clear indication of their progress towards becoming Parties, in line with decision taken by the Conference of the Parties at its first meeting (decision RC-1/17, para. 16).
6. Detailed reports on a number of the issues arising out of the second meeting of the Conference of the Parties are available in documents UNEP/FAO/RC/COP.3/12–21 and will be considered under agenda item 6 of the provisional agenda.
7. As requested by the Conference at its second meeting, and following informal consultations with the secretariat for the Committee on Contributions, which is a subsidiary body of the United Nations General Assembly, the President of the Conference has conveyed the concerns of certain delegations regarding the application to the Convention of the United Nations scale of assessments in a letter sent to the President of the General Assembly. A copy of the letter is available in document UNEP/FAO/RC/COP.3/INF/7. As of 30 May 2006, no response to this letter had been received.
8. Following the second meeting of the Conference of the Parties, the secretariat contacted all Parties and Government observers to the Convention and invited each of them to nominate an official contact point. The secretariat has prepared a list of these contacts, which is available as a link on the Convention website, and is using it for all official correspondence. Governments are invited to review the list and provide any necessary modifications to the secretariat.

B. Second meeting of the Chemical Review Committee

9. The second meeting of the Chemical Review Committee was held in Geneva from 13 to 17 February 2006. It was chaired by Ms Bettina Hitzfeld (Switzerland) and attended by all 31 members of the Committee. Forty-three observers from Governments, four observers from intergovernmental organizations and ten observers from non-governmental organizations (mainly from industry) also attended.

10. Prior to the meeting, the secretariat facilitated the nomination of an expert from the Democratic Republic of the Congo by communicating with that country's official contact points and requesting that the country submit its nomination. The secretariat also provided assistance to the individual members of the Committee and arranged travel for supported members from countries that were not members of the Organisation for Economic Cooperation and Development.

11. Documents for the meeting were provided directly in hard copy to the members of the Committee, with the majority of the documents available more than six weeks before the meeting. Late documents were provided to Committee members in hard copy and electronically, with copies of all documents available at the start of the meeting. All documents were posted on the Rotterdam Convention website, with more than 55 documents being made available for the consideration of Committee members and observers.

12. At the meeting, the Committee considered 24 notifications for 9 chemicals that were candidates for inclusion in Annex III of the Convention. They reviewed the notifications and supplementary data that had been submitted by the notifying Parties and compiled for consideration. The Committee agreed to commence drafting decision guidance documents for two substances, endosulfan and tributyl tin compounds. Drafting groups were established for this purpose. The secretariat assisted these groups in commencing work, and has worked closely with the drafting groups since the meeting to develop the documents. In addition, the Committee considered procedures and policies to increase the efficiency of their work and discussed papers prepared by the secretariat on risk evaluations conducted under other multilateral environment agreements and trade restrictions under other multilateral environment agreements.

13. The report of the meeting is reproduced in document UNEP/FAO/RC/COP.3/7.

II. Facilitating assistance to Parties in the implementation of the Convention

14. A detailed report on secretariat activities to implement the strategy on the regional delivery of technical assistance is available in document UNEP/FAO/RC/COP.3/14. It includes detailed information on the number and types of workshops (national and subregional) and other technical assistance activities which have been undertaken by the secretariat. A proposed work plan for the coming biennium, along with an indicative budget, is set out in document UNEP/FAO/RC/COP.3/15.

15. The secretariat has updated and amended the Rotterdam Convention website (www.pic.int), using it to distribute information on, among other things, forthcoming workshops, guidance material, decision guidance documents and meeting documents for the Conference of the Parties and the Chemical Review Committee. As they become available, reports from workshops are also published on the website. In addition, information submitted by countries on national risk evaluations or available alternatives to the chemicals listed in Annex III is posted on the website. Following a request made by the Conference of the Parties at its first meeting, the secretariat also maintain on the website a list of contributions made to the General Trust Fund, including contributions made for the years 2005 and 2006. The changes to the website improve its usability and increase access to important information. To further improve it, the secretariat is reviewing the structure for the website, with the aim of ensuring that frequently accessed information is available quickly and easily to users.

16. A number of sections of the resource kit developed during 2005 have been updated. Copies of the updated sections, as finalized, are being made available to recipients of the original kit and being incorporated in new resource kits. New materials under development include a revised general information brochure on the Convention and new posters designed to raise awareness of the benefits of the Convention. In order to meet the specific information needs of target groups such as industry or customs officials, fact sheets covering relevant areas of the Convention are being developed. Efforts have also been taken during this period to increase the number of documents available in all six

United Nations languages. Work is also underway to update section E of the resource kit, which covers cross-cutting issues, particularly in the light of international decisions which impact on chemicals management, including decisions on the Strategic Approach to International Chemicals Management and on mercury, among others.

17. During the period, the secretariat reviewed the text of the guidance document entitled “Guidance to Designated National Authorities on Implementation of the Rotterdam Convention”, which was first published in 2004, with a view to updating it in line with the implementation of the Convention and to incorporate additional material, particularly relating to customs officers and guidance from the Chemical Review Committee. New versions of the forms for submitting notifications and import responses have also been developed and have undergone user testing. The new forms, which will be available electronically, incorporate features aimed at avoiding some of the common errors made by those completing the forms. The new forms and associated instructions should be easier for the Parties to complete and submit. It is expected that the revised version of the document and the new forms will be available at the third meeting of the Conference of the Parties.

18. The secretariat has continued to work with the regional offices of the Food and Agriculture Organization of the United Nations and UNEP to promote a regional approach to implementation of the Convention and to increase the visibility of the Rotterdam Convention as a tool to assist with chemicals management. The secretariat has also established an initial group of regional experts who are able to work with the secretariat in the delivery of technical assistance activities. These measures aim both to improve the delivery of services to parties and to increase the efficiency of the secretariat.

19. Pursuant to paragraph 4 (b) (iv) of article 10 of the Convention, providing assistance to Parties in the evaluation of chemicals is an integral part of the work of the secretariat. During the reporting period, the secretariat did not receive any requests for assistance under the provisions of article 10.

III. Coordination with secretariats of other international bodies

20. As part of its core operations, the secretariat works closely with the secretariats of other relevant international bodies, in particular the secretariats of the Stockholm Convention on Persistent Organic Pollutants and the Basel Convention on the Control of Transboundary Movement of Hazardous Wastes and their Disposal. One product of this cooperation during the year under review was an integrated awareness raising workshop in Oman focusing on issues common to the three Conventions, while others included coordinated workshops to assist countries in post-conflict towards good chemicals management. The secretariat seeks every opportunity for cooperative activities with the aim of integrated implementation of these multilateral environment agreements.

21. The secretariat is also working with the Geneva Environment Network as well as the secretariats of the Stockholm and Basel Conventions in developing a programme for coordinated outreach. The programme will provide information on the Convention to relevant non-governmental organisations with the aim of helping to enable them to work more cooperatively towards the implementation of the two conventions within their countries.

22. The secretariat has included elements relating to the Stockholm and Basel Conventions in the information provided to participants at workshops held to facilitate implementation of the Rotterdam Convention. Focal points for these conventions have been invited to participate in workshops on developing national implementation plans for the Rotterdam Convention, and Parties have been encouraged to include elements relating to the implementation of all the relevant conventions in these plans. On request, the secretariat has provided specific information on the status of implementation of the Rotterdam Convention and has made copies of materials used in relevant presentations on the Convention available to the secretariats of the Stockholm and Basel conventions to assist them in their technical assistance activities.

23. The secretariat has continued to provide contributions to the ongoing work of the UNEP Green Customs initiative, including the provision of information material and presentations for workshops organized to promote the initiative. Such workshops have been held in Trinidad and Tobago, Tanzania, Bhutan and Uzbekistan. The secretariat attended one day of the workshop held in Trinidad and Tobago, as it was held concurrently with a subregional workshop on implementation of the Rotterdam Convention. Resources were not available, however, for the secretariat to participate actively in the other workshops.

24. The secretariat has actively participated in the development of the Strategic Approach to Integrated Chemicals Management, attending both the third meeting of the Strategic Approach preparatory committee in Vienna, as well as the meeting of the International Conference on Chemicals Management, in Dubai in February, at which the Strategic Approach was adopted. In addition, the secretariat contributed to the development of the global plan of action under SAICM and will pursue cooperative efforts under the Strategic Approach to assist with the implementation of the Rotterdam Convention.

25. The secretariat has made relevant inputs relating to initiatives under the Bali Strategic Plan for Technology Support and Capacity-building and has worked cooperatively with UNEP in other areas where there are opportunities for cooperative work and increased efficiencies.

26. The secretariat has continued to cooperate with the World Customs Organization and the Committee on Trade and Environment of the World Trade Organization. Details of this cooperation are provided in documents UNEP/RC/FAO/COP.3/16 and UNEP/RC/FAO/COP.3/17.

IV. Other secretariat functions as specified by the Convention and determined by the Conference of the Parties

27. The secretariat functions specified by the Convention include:

- (a) Maintaining a register of designated national authorities (article 4);
- (b) Processing notifications of final regulatory action to ban or severely restrict a chemical and forwarding them to the Chemical Review Committee (article 5);
- (c) Processing proposals for listing severely hazardous pesticide formulations and forwarding them to the Chemical Review Committee (article 6);
- (d) Drafting and disseminating decision guidance documents (article 7);
- (e) Processing information regarding the removal of chemicals from Annex III of the Convention and forwarding it to the Chemical Review Committee (article 9);
- (f) Processing decisions regarding the future import of chemicals listed in Annex III and informing all Parties of the responses received (article 10);
- (g) Working with the World Customs Organization in assigning to the chemicals in Annex III Harmonized System customs codes under the Harmonized Commodity Description and Coding System (article 13);
- (h) Facilitating information exchange among Parties (article 14);
- (i) Communicating to all Parties proposed amendments to the Convention (articles 21 and 22).

A. Designated national authorities

28. Under article 4 of the Convention, each Party is obliged to designate a national authority authorized to act on its behalf in the performance of administrative functions required by the Convention and to notify the secretariat of the name and address of such authority. The secretariat informs each new Party to the Convention of this obligation as part of a welcome letter that it sends. The letter also includes information on the status of implementation of the Convention within the Party, including the import responses submitted and a complete list of notifications submitted by the Party both prior to and following the opening of the Convention for signature. There have been fourteen new Parties welcomed during the reporting period.

29. When a Party designates a national authority, a welcome letter is sent to the authority, which provides information on the obligations of the authority under the Convention and the status of implementation in the Party. This information is accompanied by a copy of the guidance document for designated national authorities, and a complete set of decision guidance documents for the chemicals included in Annex III. A list of designated national authorities is circulated with the PIC Circular every six months, with a request that the information on the list be checked and any necessary changes reported to the secretariat. During the reporting period, the secretariat has been notified of the designation of 52 new national authorities.

30. Additionally, if the secretariat becomes aware that contact information for the designated national authority of a Party is no longer current, efforts are made to ensure that it is updated. The secretariat will use sources of information such as registration form for workshops or meetings, import response forms and notifications of final regulatory action to confirm contact details and verify the accuracy of such information with designated national authorities prior to updating its database. In April 2005, the secretariat sent a request to all designated national authorities asking them to provide updated contact information. The secretariat received a large number of responses to that request, and the secretariat accordingly plans to issue similar requests regularly.

31. A number of Parties to the Convention have not yet designated national authorities. Those Parties have been reminded of this previously, and on 1 March 2006, the secretariat sent a further letter to them to draw their attention to the obligations to designate national authorities under the Convention. This information was also provided to those Parties' missions in Geneva.

B. Processing notifications of final regulatory action to ban or severely restrict a chemical and proposals for inclusion of severely hazardous pesticide formulations and forwarding them to the Chemical Review Committee (article 5)

32. The secretariat examines notifications of final regulatory action submitted under article 5 of the Convention to determine whether they include the information required under Annex I of the Convention. The secretariat also prepares a synopsis of each notification received which meets the information requirements of the Convention. The synopsis is provided to all designated national authorities through the PIC Circular, in English, French and Spanish. As part of the verification process, the secretariat liaises with the designated national authorities that have submitted incomplete notifications and helps them to complete them.

33. During the reporting period, the secretariat received a total of 138 notifications of final regulatory action from 27 Parties. Some of those notifications have been verified and synopses of them have been circulated to Parties in appendix I of PIC Circulars XXII (December 2005) and XXIII (June 2006). Others have been found to fall short of the requirements of Annex I and others are still under verification.

34. A cumulative list of valid notifications received by the secretariat is published every six months in the PIC Circular. This list includes notifications for chemicals included in Annex III of the Convention, notifications for chemicals which have been considered by the Chemical Review Committee and found not to meet the requirements of Annex II of the Convention, and notifications which have not yet been considered by the Chemical Review Committee because they relate to chemicals for which the secretariat has not received notifications meeting the requirements of Annex I of the Convention from more than one PIC region.

35. The maintenance of information on received notifications, as well as the publication of the PIC Circular, required the further development and ongoing maintenance of a database containing the details of the notifications received. This information is maintained in English, French and Spanish.

36. The secretariat forwarded 24 notifications of final regulatory action for nine chemicals, with available supplementary data, to the Chemical Review Committee for its consideration. The secretariat has taken note of concerns expressed by the Chemical Review Committee with regard to the information available in submitted notifications. During the reporting period, the secretariat undertook to the extent possible to follow up with countries where notifications were lacking information. The secretariat would like to undertake more detailed follow-up and work with countries to assist them in presenting information as fully as possible and in developing systems to access information which may have been used in taking final regulatory decisions. Unfortunately, it does not have sufficient staff resources to do so.

37. The secretariat would also like to adopt a proactive approach and to work with countries to encourage them to submit notifications for chemicals that have been the subject of final regulatory action, with particular emphasis on chemicals for which the secretariat has already received one or more notifications from a single PIC region.

C. Processing proposals for the listing of severely hazardous pesticide formulations and forwarding them to the Chemical Review Committee (article 6)

38. During the reporting period, no proposals for the listing of severely hazardous pesticide formulations were received by the secretariat. The secretariat continues to make information on this process available to developing countries that may wish to use it as a way of indicating the difficulties they face in the safe management of hazardous pesticide formulations. As part of the technical assistance activities of the secretariat, particular attention is drawn to the provisions under article 6, and the benefit this may have for developing countries. Apart from the work with the Pesticides Action Network in five African countries, further outreach activities to work with Parties and assist them in making submissions have been limited by available staff resources.

D. Drafting and disseminating decision guidance documents (article 7)

39. Following the decision of the Chemical Review Committee at its first meeting to prepare a decision guidance document for chrysotile asbestos, the secretariat has facilitated the work of the drafting group. Following its completion by the co-chairs of the drafting group, the secretariat circulated the first draft of the document for review and comment. The secretariat then compiled the comments received and worked with the co-chairs to incorporate them into the document, which was then circulated to all members of the Committee and observers. All comments received were addressed either by amending the document or by including them in the table of comments along with information on how they were addressed. At its second meeting, the Chemical Review Committee approved the decision guidance document and adopted a recommendation to the Conference of the Parties that it include chrysotile in Annex III of the Convention. The decision guidance document and the Committee's recommendation may be found in document UNEP/FAO/RC/COP.3/11, which, in accordance with paragraph 2 of article 21 of the Convention, was made available to Parties on 1 April 2006, six months before the third meeting of the Conference of the Parties.

E. Processing information regarding the removal of chemicals from Annex III and forwarding it to the Chemical Review Committee (article 9)

40. During the reporting period, no information was provided to the secretariat regarding the removal of chemicals from Annex III of the Convention.

F. Processing decisions regarding the future import of chemicals listed in Annex III and informing all Parties of the responses received (article 10)

41. Under paragraph 2 of article 10 of the Convention, each Party must transmit to the secretariat, as soon as possible and in any event no later than nine months after the date of dispatch of a decision guidance document, a response regarding the future import of the chemical concerned.

42. Under paragraph 3 of article 10, the secretariat must, at the expiration of the time period given in paragraph 2 of the article, forthwith address to any Party that has not provided such a response a written request to do so, through its designated national authority. For the decision guidance documents distributed on 1 February 2005, the secretariat on 15 November 2005 sent a letter to all 68 Parties which had failed to submit a response within the nine month period reminding them of their obligation to do so. Following this letter, eight countries responded with 48 import responses. Future reminders of the failure to transmit a response will take the form of a listing in the PIC Circular.

43. Under paragraph 10 of article 10, every six months the secretariat must inform the Parties of the responses that it has received. Such information must include a description of the legislative or administrative measures on which the decisions have been based, where available. The secretariat must also inform the Parties of any cases of failure to transmit a response.

44. During the reporting period, the secretariat received 375 responses regarding future imports of chemicals listed in Annex III from 35 Parties. Those responses, together with all the previously submitted responses and information on all cases of failure to provide a response, were circulated to Parties in appendix IV of PIC Circulars XXII (December 2005) and XXIII (June 2006), in English, French and Spanish.

45. As of 30 April 2006, there are still 11 Parties who have failed to submit import responses for any of the chemicals included in Annex III. The secretariat sent a letter to each of those Parties on 4 April 2006, reminding them of their obligations and inviting them to contact the secretariat should they require assistance. One Party (South Africa) has responded to the letter with the submission of 38 import responses. A further such letter was sent to one additional Party for whom the Convention entered into force after 4 April 2006.

46. The issue of the obligation to provide import responses, and the benefits which can be gained by providing them, is highlighted at national and subregional workshops. Further work with countries which have not submitted any or all of their import responses has been limited during the reporting period by a shortage of staff within the secretariat.

G. Working with the World Customs Organization in assigning Harmonized System customs codes to the chemicals listed in Annex III (article 13)

47. Cooperation with the World Customs Organization is ongoing and is reported in detail in document UNEP/FAO/RC/COP.3/16. Harmonized System customs codes for the initial 27 chemicals in Annex III plus four chemicals added early in the interim PIC procedure will enter into force on 1 January 2007. A list of those chemicals and their Harmonized System codes is available on the Convention website and is also attached to document UNEP/FAO/RC/COP.3/16. Good progress has been made towards assigning Harmonized System customs codes to the chemicals added to Annex III at the first meeting of the Conference of the Parties.

H. Facilitating information exchange among Parties (article 14)

48. During the reporting period, the secretariat received and responded to a total of 215 queries and requests for information related to the implementation of the Convention.

49. In addition, the secretariat circulated information relating to the domestic regulatory action of one Party (which did not result in the banning or severe restriction of a chemical) to all Parties together with PIC Circular XXI (June 2005), as requested.

50. At this stage, other opportunities for outreach and communication for the broader implementation of the Convention have not been further explored by the Secretariat.

I. Communicating proposed amendments to the Convention (articles 21 and 22)

51. During the reporting period, the secretariat provided information to the Parties on the proposal mentioned above to amend Annex III of the Convention to include chrysotile asbestos, following the recommendation made by the Chemical Review Committee and its adoption of the decision guidance document on chrysotile at its second meeting. The proposed amendment was communicated to Parties on 1 April 2006.

52. As the second meeting of the Conference of the Parties did not decide on any amendments to the Convention, no agreed amendments were communicated to Parties.
