



**United Nations
Environment Programme**

**Food and Agriculture Organization
of the United Nations**

Distr.: General
22 May 2008

Original: English

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

Conference of the Parties

Fourth meeting

Rome, 27–31 October 2008

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. Annexed to the present note is a detailed report by the Secretariat on progress in the implementation of the Rotterdam Convention for consideration by the Conference of the Parties at its fourth meeting. The report provides information on the status of implementation of the Convention between 1 May 2006 and 30 April 2008, based on the requirements set out in the Convention.
2. The Conference of the Parties may wish:
 - (a) To note the status of implementation of the Convention by Parties and the progress made between 1 May 2006 and 30 April 2008;
 - (b) To remind Parties of their obligations to ensure the effective operation of the Convention under articles 5, 6 and 10 of the Convention, and, in particular:
 - (i) To invite Parties to review the list of official contact points and the list of designated national authorities and to inform the Secretariat of any changes or corrections, providing e-mail addresses for all official contact points, where available;
 - (ii) To invite Parties to take note of the development of the export notification form for the implementation of article 12 and report at the next meeting of the Conference of the Parties on their experience in using the form;

* UNEP/FAO/RC/COP.4/1.
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(c) To take into account the information presented in the present report when considering the issues related to the implementation of the Convention under item 5 of the provisional agenda (UNEP/FAO/RC/COP.4/11) and issues related to technical assistance under item 6 (c) (UNEP/FAO/RC/COP.4/16 and UNEP/FAO/RC/COP.4/17).

Annex

Status of implementation of the Rotterdam Convention as of 30 April 2008

Report by the Secretariat

Introduction

1. The present report provides information on the status of implementation of the Rotterdam Convention as of 30 April 2008, highlighting progress made between 1 May 2006 and 30 April 2008. It also provides information on the level of ratification and implementation of the Convention in each of the Prior Informed Consent (PIC) regions. The information herein is limited to those Parties for which the Convention had entered into force as of 30 April 2008.

2. The report contains seven 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, 10–14, 16 and 25 of the Convention, including activities of Parties that are not reported in the PIC Circular.

3. The Secretariat has analysed the trends in implementation of the Convention's key provisions, specifically notifications of final regulatory action (article 5), import responses for chemicals listed in Annex III (article 10) and proposals in support of severely hazardous pesticide formulations (article 6), mainly focused on the period 2003–2008. Some of the challenges associated with the implementation of these provisions are set out in document UNEP/FAO/RC/COP.4/11 entitled "issues of the implementation of the Rotterdam Convention".

I. Parties, designated national authorities and official contact points

A. Parties and official contact points

4. Article 25 of the Convention contains provisions related to ratification of the Convention. As of 30 April 2008, the Convention had entered into force for 119 Parties. During the reporting period, 17 additional countries ratified the Convention. The table shows the number of Parties in each PIC region, together with the percentage of countries in each region that are Parties. A list of the Parties to the Convention and the dates on which the Convention entered into force is updated regularly and is available on the Convention website. A copy can also be found in document UNEP/FAO/RC/COP.4/INF.2.

Overview of the number and distribution of Parties according to the PIC regions (as of 30 April 2008)

<i>PIC region</i>	<i>Number of Parties</i>	<i>Parties as a percentage of countries within each region</i>
Africa	33	62
Asia	17	65
Europe	35	73
Latin America and the Caribbean	18	55
Near East	10	63
North America	1	50
South Pacific	5	31

5. The 119 Parties have identified 321 official contact points. It was observed that in some cases there are up to five official contact points in a country, including multiple contact points within a Ministry. Numerous contact points may negatively affect the efficient communication between the Secretariat and the Parties. The list of official contact points is updated regularly and is available on the Convention website. The list can also be found in document UNEP/FAO/RC/COP.4/INF.9.

B. Designated national authorities

6. Article 4 of the Convention contains provisions relating to designated national authorities. As of 30 April 2008, the 119 Parties had designated 195 national authorities. The Secretariat received 19 new designations and 33 changes to existing designations during the reporting period. 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 available on the Convention website and a copy can also be found in document UNEP/FAO/RC/COP.4/INF.3.

7. The Secretariat wrote in June 2007 and January 2008 to the official contact points of the four Parties that had not nominated a designated national authority, reminding them of that obligation. Eritrea and Maldives responded with the requested nominations. As of 30 April 2008, the designated national authority for Equatorial Guinea was pending confirmation by the official contact point in that country, while Djibouti had not yet notified the Secretariat of its designated national authority.

8. When the Secretariat is informed of a new designated national authority, it sends a welcome letter that provides information on the tasks of designated national authorities and the status of implementation of the Convention in the Party. A resource kit, containing all relevant materials needed by a designated national authority, is also sent. In response to the often frequent changes in designated national authorities, the Secretariat has developed an electronic course for self-directed learning on the key operational elements of the Convention.

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

9. Article 5 of the Convention sets forth provisions relating to the notification of final regulatory actions to ban or severely restrict a chemical. Under article 5, when taking final regulatory actions to ban or severely restrict chemicals, Parties must notify the Secretariat in a timely manner and provide, where available, the information listed in Annex I of the Convention.

10. 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 listed in Annex I of the Convention. Paragraph 4 of the same article obliges the Secretariat to circulate a synopsis of all the notifications of final regulatory action that it has received, including information regarding those notifications that do not contain all the information listed in Annex I of the Convention. This information is communicated to Parties through the PIC Circular.

11. During the reporting period, the Secretariat received a total of 150 notifications from 12 Parties¹ (Dominican Republic, El Salvador, European Community, Guyana, Jamaica, Japan, Norway, Saudi Arabia, Suriname, Switzerland, Thailand and Bolivarian Republic of Venezuela). A total of 65 notifications were verified as containing the information listed in Annex I, of which 17 were for chemicals not listed in Annex III of the Convention and 48 were for chemicals already listed in Annex III. Three Parties submitted notifications that did not meet the information requirements of Annex I. A complete list of the number of notifications submitted by individual Parties may be found in document UNEP/FAO/RC/COP.4/INF/2.

12. At its third meeting, in March 2007, the Chemical Review Committee considered eight notifications in support of five chemicals. None were found to meet the requirements of the Convention for inclusion in Annex III. The report of the meeting is available in document UNEP/FAO/RC/COP.4/7.

13. At its fourth meeting, in March 2008, the Chemical Review Committee considered 10 notifications in support of six chemicals. Two of those, alachlor and aldicarb, were found to meet the requirements of the Convention and were recommended by the Committee for listing in Annex III. Intersessional drafting groups were established to prepare decision guidance documents for those

¹ The European Community submitted six notifications. Each notification represents the 27 member States, of which 26 are Parties to the Convention.

chemicals for consideration at the next meeting of the Committee in March 2009. The report of the meeting is available in document UNEP/FAO/RC/COP.4/7.

III. Proposal for inclusion of severely hazardous pesticide formulations

14. Article 6 of the Convention sets forth provisions relating to proposals for inclusion of severely hazardous pesticide formulations in Annex III. No such proposals were received by the Secretariat during the reporting period.

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

15. Article 10 of the Convention sets forth provisions in relation to the import of chemicals listed in Annex III and subject to the PIC procedure. Parties are to submit to the Secretariat in a timely manner responses concerning future imports of each of these chemicals.

16. 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.

17. As of 1 January 2006, 39 chemicals were listed in Annex III, including 24 pesticides, four severely hazardous pesticide formulations and 11 industrial chemicals. During the reporting period, 39 Parties submitted 378 import responses for these chemicals.

18. The Secretariat wrote in June 2007 to the designated national authorities of Parties that had not yet submitted import responses for any of the Annex III chemicals, requesting them to do so. The Parties were invited to contact the Secretariat should they require further information or assistance in the preparation and submission of import responses. Three Parties (Mali, Saudi Arabia and Yemen) responded with 81 import responses.

19. As of 30 April 2008, 10 Parties (Djibouti, Equatorial Guinea, Eritrea, Georgia, Libyan Arab Jamahiriya, Maldives, Marshall Islands, Moldova, Namibia and Ukraine) had not provided any import responses.

V. Obligations in relation to the export of chemicals

20. Article 11 sets out obligations relating to the export of chemicals contained 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 by a Party to transmit an import response.

21. Article 12 sets out the requirements relating to export notification for chemicals that are banned or severely restricted by the exporting Party. As requested by the Conference of the Parties at its third meeting, the Secretariat developed a standard form for export notification and made it available to all Parties in June 2008.

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

23. As such information is provided directly from the exporting Party to the importing Party, the Secretariat has no indication of the status of implementation of articles 11–13.

VI. Information exchange provisions

24. Under paragraph 1 (c) 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.

25. During the reporting period, the Secretariat received a request from the European Community and Switzerland to convey to other Parties information relating to their regulatory actions regarding chrysotile asbestos. This information was included with PIC Circulars XXVI and XXVII in December 2007 and June 2008 respectively.

26. 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 will inform all Parties accordingly. As of 30 April 2008, no Party had informed the Secretariat that it required such information.

27. The Secretariat provides a clearing house mechanism on the Rotterdam Convention website where information on additional national evaluations submitted by Governments or additional publicly available information on chemicals included in Annex III may be posted. No requests to post additional evaluations were received during the reporting period.

28. The Secretariat has prepared a note on opportunities for information exchange on chemicals recommended by the Chemical Review Committee (UNEP/FAO/RC/COP.4/12). Parties may wish to consider the issue of information exchange further under item 5 of the provisional agenda.

VII. Technical assistance

29. 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.4/16). Parties will have an opportunity to report on their experience in the implementation of article 16 under item 6 (c) of the provisional agenda (technical assistance).
