



UNEP



**United Nations
Environment Programme**

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

Distr.: General
14 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**

Opportunities for information exchange on chemicals recommended for listing in Annex III by the Chemical Review Committee

Note by the Secretariat

1. By paragraph 3 of decision RC-3/3 on the inclusion of chrysotile asbestos in Annex III to the Rotterdam Convention, Parties were encouraged to use all available information on chrysotile asbestos to assist others, in particular developing countries and countries with economies in transition, to make informed decisions regarding the import and management of chrysotile asbestos and to inform other Parties of those decisions using the information exchange provisions laid down in article 14.
2. In the light of that decision and in the interest of promoting information exchange on chemicals recommended for listing in Annex III by the Chemical Review Committee, but for which the Conference of the Parties has yet to take a decision, the Bureau requested the Secretariat to prepare a paper setting out the current opportunities for information exchange on such chemicals under the Convention and to identify possible opportunities for improving access to this information.
3. Annexed to the present note is a paper prepared by the Secretariat in response to that request.
4. The Conference of the Parties may wish:
 - (a) To note the current opportunities and mechanisms for information exchange on chemicals recommended by the Chemical Review Committee for listing in Annex III of the Convention;

* UNEP/FAO/RC/COP.4/1.

(b) To encourage Parties to take full advantage of the information exchange provisions of article 14 of the Convention to inform other Parties of the regulatory status, including national decisions on import, of such chemicals in their country;

(c) To note the creation of and use actively a new section on the Rotterdam Convention website to facilitate information exchange on national regulatory actions for chemicals recommended for listing in Annex III but for which the Conference of the Parties has yet to reach consensus.

Annex

Opportunities for information exchange on chemicals recommended for listing in Annex III by the Chemical Review Committee

Background

1. Where the Chemical Review Committee determines that the notifications of final regulatory actions on a chemical or proposals in support of a severely hazardous pesticide formulation meet the criteria of the Convention, it recommends to the Conference of the Parties that the chemical be listed in Annex III of the Convention and drafts a decision guidance document.
2. The Chemical Review Committee meets annually (generally in February or March), while the Conference of the Parties meets biennially (generally in October). There is thus potentially as much as 18 months between the completion of the decision guidance document by the Committee and consideration of the recommendation for listing in Annex III by the Conference of the Parties. In cases where the Conference of the Parties is unable to take a decision when first considering a recommendation of the Committee, the time between the conclusion of the Committee's work and further consideration by the Conference of the Parties can be in the order of three and a half years. This period between the finalization of the decision guidance document by the Committee and a decision by the Conference of the Parties is hereinafter referred to as the "interim period".
3. The information contained in the present paper is consistent with the Secretariat's continuing actions to find ways to facilitate Parties' access to information on hazardous chemicals available under the Convention in order that it might be used to strengthen national decision-making on chemicals.

Introduction

4. The present paper describes the opportunities available for exchanging information on chemicals that the Chemical Review Committee has found meet the criteria for listing in Annex III of the Convention, but for which the Conference of the Parties has yet to take a decision. It has been prepared so that Parties might have a better understanding of how relevant information regarding such chemicals can be made available to Parties during this interim period. This information may serve to raise their awareness regarding chemicals that have been found to represent a risk under conditions of use in other Parties and to assist them in taking informed decisions regarding the import and management of these chemicals, should they wish to do so.
5. The present paper is divided into three chapters: chapter I briefly describes the overall information exchange provisions for chemicals subject to the Convention; chapter II sets out the current opportunities for the exchange of information on chemicals recommended by the Chemical Review Committee for listing in Annex III during the interim period prior to a decision by the Conference of the Parties and chapter III contains a proposal for a possible new mechanism for exchanging information on such chemicals during the interim period.

I. Opportunities for information exchange on banned or severely restricted chemicals or pesticide formulations causing problems under conditions of use

6. This section provides a brief overview of the opportunities to exchange information on chemicals that have been banned or severely restricted in a least one Party to the Rotterdam Convention and pesticide formulations causing problems under the conditions of use in a developing country Party or Party with economy in transition.
7. The Rotterdam Convention provides for the exchange of information on any chemical that is banned or severely restricted by a Party to protect human health or the environment or any severely hazardous pesticide formulation causing problems under the conditions of use in a developing country or country with economy in transition. These provisions are set out in articles 5, 6 and 14 of the Convention.
8. Article 14 on information exchange provides for Party-to-Party exchange of a broad range of information on a chemical. Where a Party chooses to inform other Parties about domestic regulatory actions that substantially restrict one or more uses of a chemical this information may, upon request, be

circulated to all Parties through the Secretariat (article 14, paragraph 1 (c)). Such information is circulated to all Parties through publication in section 2.8 of the subsequent Prior Informed Consent (PIC) Circular.

9. Articles 5 and 6 on banned or severely restricted chemicals and severely hazardous pesticide formulations provide for the submission of information directly to the Secretariat. Where the notifications of final regulatory actions and proposals for severely hazardous pesticide formulations are found to be complete (i.e., they meet the information requirements of the Convention), the Secretariat prepares and publishes summaries of these in the PIC Circular. These summaries include basic information from the notifying Party including: the problems encountered; regulatory status; which uses are prohibited; which uses remain permitted and the reasons why. A reference is included in appendix V to subsequent Circulars that indicates in which Circular the summary of an individual notification or proposal was published.

10. When there is a second notification from a different PIC region, the notifications and supporting documentation provided by the notifying countries are forwarded to the Chemical Review Committee for consideration. Similarly, a proposal for a severely hazardous pesticide formulation submitted by a Party triggers collection by the Secretariat of the additional information set out in part 2 of Annex IV and forwarding of the proposal and relevant supporting documentation to the Chemical Review Committee.

11. All the information on candidate chemicals considered by the Chemical Review Committee is made publicly available as meeting documents for the Committee and posted on the Convention website under the section entitled "Chemical Review Committee – Meetings and Documents".

II. Chemicals found to meet the criteria of the Convention and recommended for listing in Annex III by the Chemical Review Committee

12. This section examines the current opportunities to exchange information on chemicals that have been recommended for listing in Annex III of the Convention by the Chemical Review Committee during the interim period between finalization of the decision guidance document by the Committee and a decision by the Conference of the Parties.

A. Original notifications or proposals, relevant supporting documentation and decision guidance documents

13. The full text of the notifications of final regulatory action and the supporting documentation provided by the notifying countries are made publicly available as meeting documents for the Chemical Review Committee. The same is true for proposals for severely hazardous pesticide formulations, relevant supporting information provided by the proposing Party and that collected by the Secretariat.

14. Where the Chemical Review Committee determines that the criteria of the Convention have been met, it prepares a rationale that summarizes briefly how that decision was reached. It also drafts a decision guidance document. Once drafted, the decision guidance document is circulated for comment and published as a meeting document in the six official languages of the United Nations for review by the Chemical Review Committee at a subsequent meeting. The final version of the decision guidance document, approved by the Committee, is circulated as a meeting document to all Parties six months in advance of the Conference of the Parties at which it is to be considered.

15. To facilitate access to this information, the notifications of final regulatory action, relevant supporting documentation, the rationale developed by the Chemical Review Committee and the draft decision guidance document are made available under the information exchange section of the Rotterdam Convention website in a subsection entitled "Chemicals recommended by the Chemical Review Committee".

B. Additional notifications of final regulatory action or proposals

16. In the event that further notifications of final regulatory actions or proposals are submitted during the interim period for chemicals recommended for listing in Annex III by the Chemical Review Committee, summaries are published in the PIC Circular (sections 2.2. and 2.3) in line with articles 5 and 6. As noted above, a reference to these notifications is also included in appendix V of the Circular.

17. Such additional notifications and supporting documentation may also be forwarded to the Chemical Review Committee for consideration and published on the Convention website. Where the Committee determines that the notifications meet the criteria of Annex II of the Convention, a rationale as to how the criteria have been met is prepared and included in the report of the meeting of the Committee.

18. To facilitate access to this additional information, the notifications, relevant supporting documentation and the rationale developed by the Chemical Review Committee are made available under the information exchange section of the Rotterdam Convention website in a subsection entitled "Chemicals recommended by the Chemical Review Committee".

C. Information on domestic regulatory actions

19. As noted in paragraph 8 above, under paragraph 1 (c) of article 14, a Party may request the Secretariat to circulate information concerning regulatory actions taken by it to restrict substantially one or more uses of a chemical to other Parties. When requested to circulate such information on chemicals that have been recommended for listing in Annex III during the interim period, the Secretariat makes it available to Parties through section 2.8 of the PIC Circular. To date this mechanism for the exchange of information under the Convention has seen little use by Parties.

20. In order to make such information more accessible to Parties and consistent with the approach taken to compile a list of notifications found to meet the information requirements of the Convention in appendix V of the PIC Circular, a new appendix was added to Circular XXVII in June 2008, which provided a reference to previous Circulars in which information on domestic regulatory actions submitted to the Secretariat had been published.

III. Proposal for a new mechanism for the exchange of information on chemicals found to meet the criteria of the Convention and recommended for listing in Annex III but for which the Conference of the Parties has not reached consensus

21. This section proposes a new mechanism that would further improve access to information on chemicals that have been recommended for listing in Annex III of the Convention by the Chemical Review Committee during the interim period between finalization of the decision guidance document and a decision by the Conference of the Parties.

22. As noted above, the mechanism for information exchange provided for in paragraph 1 (c) of article 14 has seen little use by Parties. In letters dated July 2007, the Government of Switzerland and the European Community did, however, request the Secretariat to make information on the regulatory status of chrysotile asbestos in those Parties available to all Parties. This information was circulated accordingly in PIC Circulars XXVI and XXVII in December 2007 and June 2008, respectively.

23. In the interest of promoting further information sharing on such chemicals during the interim period and in line with paragraph 1 (c) of article 14 of the Convention, it is proposed to post on the Convention website information submitted by Parties on the regulatory status of these chemicals including national decisions on import. This information would be made available under the information exchange section of the website entitled "Chemicals recommended by the Chemical Review Committee".

24. Such information would continue to be provided to Parties through a notice in section 2.8 of the Circular. The Circular would also highlight the availability of this information on the Convention website.