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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**

**Fourth meeting**

Rome, 27–31 October 2008

Item 6 (b) of the provisional agenda\*

**Issues arising out of previous meetings of the Conference of the Parties:  
report on the implementation of decision RC-3/5 on financial mechanisms**

## **Progress made towards the implementation of decision RC-3/5: Study of possible options for lasting and sustainable financial mechanisms**

**Note by the Secretariat**

### **I. Introduction**

1. Decision RC-3/5 (as set out in annex I to the present note) highlights the need to build on existing strategies and to work with relevant partners when endeavouring to leverage lasting and sustainable financial support for sound chemicals management, including for the implementation of the Rotterdam Convention.

2. Actions called for in that decision are addressed to Parties, implementing agencies, relevant multilateral environmental agreements and the Secretariat. In particular, the decision calls for consideration of the overarching context of chemicals management, the provisions of the Bali Strategic Plan for Technology Support and Capacity-building and the Millennium Development Goals. It also stresses the need to improve access to resources available for building foundational capacity, such as the Quick Start Programme of the Strategic Approach to International Chemicals Management, and for the need to work with relevant multilateral environmental agreements and implementing agencies, such as the Global Environment Facility (GEF).

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

3. The present note summarizes the activities undertaken by the Secretariat and others as of 1 June 2008 in support of the implementation of decision RC-3/5 and makes suggestions for follow-up for consideration by the Conference of the Parties. It is supported by document UNEP/FAO/RC/COP.4/INF/5, which contains copies of the correspondence in follow-up to that decision. Unless specifically mentioned elsewhere in the present document, official correspondence with Parties is conducted in English, French and Spanish. Document UNEP/FAO/RC/COP.4/INF/5 will be posted on the Convention website (<http://www.pic.int>) as soon as it becomes available.

## II. Actions taken by the Secretariat

4. In follow-up to paragraphs 1–3, 6 and 8 of the above-mentioned decision on tackling the issues of mainstreaming, the need for building foundational chemicals capacities, the need for Parties to provide information on the cost of implementation and the need to work closely with implementing agencies, the Secretariat has taken the following actions:

(a) *Letter to Parties:* A letter was sent to all Parties on 4 June 2007 to communicate decision RC-3/5, putting special emphasis on the key elements relevant to follow-up by Parties. The letter requested Parties to provide information on which to base an assessment of the cost of implementing the specific requirements of the Convention, as requested in paragraph 6 of the decision. A follow-up letter was sent to Parties on 18 April 2008, again encouraging them to provide information on the cost of the implementation, and attaching the response from Thailand (received on 1 February 2008) as an example of the type of information that might be provided. As of 31 August 2008, replies from Armenia, Brazil, Burundi, Côte d'Ivoire, the European Commission, Guinea, Niger, Switzerland and Thailand had been received by the Secretariat and are included in document UNEP/FAO/RC/COP.4/INF/5.

(b) *Letter to implementing agencies:* Similar letters were sent to communicate the decision to implementing agencies. The letters sent on 4 June 2007 were addressed to the United Nations Environment Programme (UNEP) Division of GEF Coordination in Nairobi and the GEF offices in the World Bank, the United Nations Development Programme and the United Nations Industrial Development Organization and the letter sent on 7 June 2007 was addressed to the GEF secretariat in Washington, D.C. These letters requested implementing agencies to take into account relevant provisions of the Rotterdam Convention in the development of the Stockholm Convention national implementation plans. A response dated 5 July 2007 was received from the office of the GEF Chief Executive in Washington, D.C., noting the importance of cooperation in the planning and implementation of a GEF strategy on the sound management of chemicals. Another response, received from the UNEP Division of GEF Coordination in Nairobi (14 August 2007), referred to continuing efforts to incorporate the Rotterdam Convention into the development of the Stockholm Convention national implementation plans and stated that a recommendation would be made to raise the matter at the following meeting of the GEF inter-agency task force on persistent organic pollutants. The matter was indeed raised at the meeting held on 7 November 2007. In addition, letters were sent on 9 May 2008 to the following executing agencies: African Development Bank; Asian Development Bank; Inter-American Development Bank; European Bank for Reconstruction and Development; International Fund for Agricultural Development; Food and Agriculture Organization of the United Nations and United Nations Industrial Development Organization.

(c) *Meeting with the UNEP Division of GEF Coordination:* In addition to the above-mentioned letters, during a meeting on 16 January 2008 between the Co-Executive Secretary of the Geneva-based Secretariat and the Director of the GEF Coordination division in Nairobi, the Co-Executive Secretary stressed the need to provide assistance to countries in meeting their obligations under the Convention, the importance of adopting an integrated approach to chemicals management and the need for synergies with other relevant multilateral environmental agreements at the national level to attain common implementation goals. The importance of including references to the provisions of the Rotterdam Convention in the Stockholm Convention national implementation plans when developing GEF projects was also emphasized.

(d) *Cooperation with GEF implementing agencies:* The Secretariat also requested the secretariat of the Stockholm Convention to bring decision RC-3/5 to the attention of a meeting with intergovernmental organizations, including the GEF implementing agencies, which the Stockholm Convention secretariat was planning to hold during the second half of 2008.

(e) *GEF task force:* The need to integrate the provisions of the Rotterdam Convention into the Stockholm Convention national implementation plans was discussed during the GEF task force meeting held on 7 November 2007.

5. In follow-up to paragraphs 5 and 9 of decision RC-3/5 on the need for coordination with multilateral environmental agreements, the Strategic Approach to International Chemicals Management and other appropriate entities, the Secretariat has taken the following actions:

(a) *Cooperation with the Stockholm Convention secretariat:* The Secretariat has held discussions with the secretariat of the Stockholm Convention and is planning to develop a joint approach to organize joint workshops on technical and financial assistance for the two conventions during 2008. The focus will be on the integration of efforts to implement the two conventions and to make efficient use of available resources, together with the possible development of joint proposals for funding agencies on cross-cutting issues (i.e., integrated legislation and Customs training).

(b) *Cooperation with the Basel Convention secretariat:* The secretariat of the Basel Convention has included references to the Rotterdam Convention in its resource mobilization workshop agendas and other relevant workshop materials. The Secretariat is working towards developing cooperative activities with the secretariat of the Basel Convention in 2009 and 2010. Joint activities in 2008 will be developed on ad hoc basis, possibly in the form of a joint resource mobilization workshop, together with the possible development of joint proposals for funding agencies on cross-cutting issues (i.e., integrated legislation and Customs training).

(c) *Cooperation with the Strategic Approach to International Chemicals Management:* The Secretariat has incorporated guidance on how to gain access to Strategic Approach resources into its technical assistance workshops. To facilitate access to the Strategic Approach's Quick Start Programme, the Secretariat has linked the Convention's webpage to the Programme. The Secretariat is ready to provide support to Parties in developing project proposals relevant to the implementation of the Rotterdam Convention under the Quick Start Programme.

(d) *Letter to the secretariat of the Montreal Protocol:* The Secretariat communicated decision RC-3/5 to the secretariat of the Montreal Protocol on 26 November 2007 and requested that it be brought to the attention of its Executive Committee. A reply dated 17 January 2008 from the secretariat of the Multilateral Fund for the Implementation of the Montreal Protocol indicated that the letter would be submitted to the Executive Committee for consideration at its fifty-fourth meeting (7-11 April 2008). The Executive Committee took note of the request of the Rotterdam Convention Secretariat and requested the Multilateral Fund secretariat to prepare and circulate to the Committee members a draft reply on experiences relevant to the Convention. A subsequent communication from the Multilateral Fund secretariat containing an attachment listing possible areas of collaboration between the Multilateral Fund and the Rotterdam Convention was received by the Secretariat.

6. The overall issue of cooperation with the Stockholm and Basel conventions is also being considered in the wider context of the discussions on enhancing coordination and cooperation between the three conventions. This issue is discussed in document UNEP/FAO/RC/COP.4/20.

7. In follow-up to paragraph 7, which encourages potential donors to continue to contribute generously to the Convention's voluntary special trust fund, the Secretariat sent a letter encouraging Parties to contribute to the general voluntary special trust fund to facilitate the implementation of mandated programme activities. The letter was sent to Parties in English, French and Spanish on 28 March 2008 and supplemented the letter dated 4 June 2007 referred to in paragraph 4 (a) above. A report on contributions received can be found in document UNEP/FAO/RC/COP.4/22.

### III. Actions taken by Parties

8. A number of the actions called for in decision RC-3/5 are addressed to Parties, whether developing country Parties, Parties with economies in transition or developed country Parties (donors). The decision does not, however, provide for Parties to report on actions that they have taken pursuant to the decision and the Secretariat has no specific information in that regard.

9. In paragraph 6 of the decision, the Conference of the Parties emphasized the need to gather information on which to base an assessment of the cost of implementing the specific requirements of the Convention in developing countries and in countries with economies in transition, with a view to obtaining a better understanding of the funding needed to support effective implementation of the Convention. The Conference of the Parties may wish to consider what possible additional actions may be needed to obtain such information.

10. To obtain a better overview of progress made in developing a strategic, multifaceted approach to securing lasting and sustainable financial resources for the effective implementation of the Convention, Parties might also be encouraged to report back to the Conference of the Parties on follow-up to decision RC-3/5.

#### **IV. Possible actions by the Conference of the Parties**

11. The Conference of the Parties may wish:

(a) To encourage Parties to report at the fourth meeting of the Conference of the Parties and subsequent meetings on actions taken towards the implementation of the specific requests addressed to Parties in paragraphs 1–4, 6, 7 and 10 of decision RC-3/5;

(b) To restate the importance of obtaining information from Parties to estimate the costs of implementing the specific requirements of the Convention in developing countries and in countries with economies in transition, and if so, to consider what possible additional actions might be needed to obtain such information. This might include possible consideration of a study to collect information on the cost of implementation of the Rotterdam Convention in some developing countries or countries with economies in transition, based on the table contained in document UNEP/FAO/PIC/COP.3/13 (reproduced in annex II to the present note), with the aim of collecting standardized information that could provide the basis for estimating the cost of implementation of the Convention. Specific terms of reference for such a study would need to be developed. Implementation of such a study would also have budgetary implications for the Secretariat's programme of work.

(c) To request the Secretariat to continue working with relevant partners and GEF implementing agencies in endeavouring to ensure that provisions relevant to the Rotterdam Convention are taken into account when developing technical assistance projects and activities.

## Annex I

### RC-3/5: Financial mechanism

*The Conference of the Parties,*

*Recognizing* the need for lasting and sustainable financial support for sound chemicals management including implementation of the Rotterdam Convention,

Building on existing strategies for the mobilization of resources to support the implementation of multilateral environmental agreements and approaches dealing with the sound management of chemicals,

*Supporting* the implementation of the Bali Strategic Plan for Technology Support and Capacity-building and other ongoing activities in this regard,

*Recognizing* that sizeable development assistance flows to build foundational capacities in sound chemicals management should be available to developing countries and countries with economies in transition that intend to mainstream sound chemicals management objectives into their national development plans and assistance requests, but that challenging obstacles exist that prevent those countries from accessing those funds in their efforts to achieve sound chemicals management,

*Highlighting* the importance of strengthening linkages and coordinating resource mobilization strategies of other multilateral chemicals agreements, approaches and processes, including the Stockholm Convention on Persistent Organic Pollutants, the Montreal Protocol on Substances that Deplete the Ozone Layer to the Vienna Convention on the Protection of the Ozone Layer, the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal, the Strategic Approach to International Chemicals Management, including its Quick Start Programme, and the Chemicals Branch of United Nations Environment Programme's Division of Technology, Industry and Economics,

*Welcoming* work undertaken by the United Nations Environment Programme in identifying modalities for mainstreaming chemicals management issues into national development strategies, including poverty reduction strategy plans,

*Welcoming* the secretariat's study of possible options for lasting and sustainable financial mechanisms,<sup>1</sup> specifically its identification of the difference between foundational chemicals management capacities, upon which the ability to regulate chemicals effectively is based, and activities required to implement the specific provisions of the Convention,

*Acknowledging* that the needs for foundational capacities may be most effectively addressed within the broader frameworks of the international chemicals and wastes agreements cluster and overarching sustainable development strategies such as those set out in the Millennium Development Goals and the Monterrey Consensus of the International Conference on Financing for Development,

*Acknowledging* also that a strategic, multifaceted approach to securing lasting and sustainable financial resources is required for the effective implementation of the Convention and should explore and take advantage of all reasonably available opportunities and utilize existing institutions and processes whenever it is feasible to do so,

1. *Invites* developing country Parties and Parties with economies in transition:

(a) To incorporate sound chemicals management into national development plans such as poverty reduction strategy plans in order to promote mainstreaming as part of multilateral and bilateral financing;

(b) To include capacity-building and technology transfer for the implementation of the Convention, including their maintenance, in the regional implementation of the Bali Strategic Plan;

2. *Recommends* individual developing countries and countries with economies in transition which are Party to both the Stockholm Convention and the Rotterdam Convention:

(a) To use their national implementation plans under the Stockholm Convention as a basis for defining gaps in their chemicals management infrastructure for implementation of the Rotterdam Convention, noting that the Rotterdam Convention secretariat, in conjunction with the United Nations

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<sup>1</sup> UNEP/FAO/RC/COP.3/13.

Institute for Training and Research, is field testing supplementary guidance to assist countries in doing so;

(b) To propose to the Global Environment Facility projects within its mandate that may contribute to implementation of the Stockholm Convention and contribute indirectly to the implementation of the Rotterdam Convention by building foundational chemicals management capacity;

3. *Recommends* that individual developing country Parties and Parties with economies in transition:

(a) Propose projects under the Strategic Approach to International Chemicals Management's Quick Start Programme that will build foundational capacities in sound chemicals management necessary for their adequate implementation of the Rotterdam Convention;

(b) Propose projects under the Quick Start Programme that will support activities directed at enabling the implementation of sound chemicals management objectives by mainstreaming them into national development strategies, noting that this type of enabling activity is among the strategic priorities of the Quick Start Programme;

(c) Request the secretariat to facilitate the identification of donors that will provide them with technical support to assist them in integrating sound chemicals management objectives into their national development assistance requests, noting that the provision of such technical support is among the financial considerations included in subparagraph 19 (c) (i) of the Strategic Approach to International Chemicals Management's Overarching Policy Strategy;

4. *Requests* individual developed country (donor) Parties and the Governments of other countries, in support of the above actions by developing countries and countries with economies in transition, to communicate to the secretariat of the Strategic Approach to International Chemicals Management, individual developing country Parties and individual Parties with economies in transition their willingness to provide the technical support referred to in the Overarching Policy Strategy;

5. *Requests* the secretariat to consult with the Basel Convention secretariat, the Stockholm Convention secretariat, the Strategic Approach secretariat and other appropriate entities to help identify ways in which the secretariat might, as part of a multi-faceted strategy for securing financial resources, assist Rotterdam Convention developing country Parties and Parties with economies in transition in their efforts to integrate sound chemicals management objectives into their national development assistance requests;

6. *Invites* Parties to provide information on which to base an assessment of the cost of implementing the specific requirements of the Convention in developing countries and in countries with economies in transition;

7. *Encourages* donors to continue contributing generously to the Convention's Voluntary Special Trust Fund;

8. *Requests* the secretariat, in a facilitative role, to work closely with relevant implementing, executing, and finance agencies (including among others the World Bank, the United Nations Development Programme, the United Nations Environment Programme and the United Nations Industrial Development Organization) and the Global Environment Facility to enhance their understanding of and support for the aims and objectives of the present decision;

9. *Requests* the secretariat to continue to consult with the secretariats of the Stockholm Convention, the Basel Convention and the Strategic Approach to International Chemicals Management to explore ways to make more effective use of and build upon existing sources of relevant global funding by inviting the Global Environment Facility and the Multilateral Fund Executive Committee, within their mandates, and the Parties to the Montreal Protocol to identify those areas that can support implementation of appropriate and relevant objectives of the Convention such as foundational chemical management, and to report on the results of its efforts;

10. *Invites* Parties, for the longer term, to consider the need for the Global Environment Facility to broaden its programming activities, including the possibility of a chemicals-related focal area, with a view to targeted and sustainable funding of priority needs within recipient countries for the implementation of those objectives of the Convention that relate to the incremental costs of achieving global environmental benefits;

11. *Requests* the secretariat as part of its activities in the context of paragraphs 8 and 9 to continue exploring as appropriate possibilities for new sources of funding to support the implementation of the Rotterdam Convention.

## Annex II

(extracted from document UNEP/FAO/RC/COP.3/13)

### C. Areas of implementation that may entail additional costs

1. This section contains a series of tables that identify areas of Rotterdam Convention implementation that may entail additional costs. Each table presents an implementation area associated with a particular Convention article. The legal nature of the article (i.e., mandatory or discretionary) is identified in the table heading.
2. Each table has three columns. The first column, "Obligations," summarizes the specific obligations found in that article. The second column, "Implementation requirements," identifies the actions which a Party may need to take in order to implement those obligations.
3. The third column, "Assumed underlying foundational capacities", suggests some of the underlying capacities that may be related to undertaking successfully the actions identified in the "Implementation requirements" column. These underlying capacities will assist in implementation of the Convention but are not always required. The extent to which they are considered to be among the additional costs of implementing the Convention will depend on how decision makers treat the factors discussed in sections A and B of chapter II above.<sup>2</sup>
4. An additional question that also warrants mention concerns the "staging" of specific Rotterdam implementation requirements and the acquisition of foundational chemicals management capacities; in other words, what may be the best order in which developing countries should implement their Rotterdam Convention obligations to achieve the best results, taking into account limitations that may be posed by their foundational capacities in sound chemicals management. This study does not propose that developing countries should delay implementation of their obligations under the Rotterdam Convention until they have achieved a high level of foundational chemicals management capacity; rather, it concludes that developing countries should, contingent on available resources, be able to undertake the implementation of many, if not most, of their Convention obligations even if they lack many underlying capacities. Nevertheless, their ability to comply fully with Convention requirements and to contribute to the achievement of Convention objectives may be jeopardized if they do not possess those underlying foundational capacities. Appropriate guidance from relevant United Nations and national agencies should assist governments in determining the best answer to this staging question, taking into account their specific national situations and needs.

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<sup>2</sup> Note that the tables do not identify capacities that may be needed to participate in Conferences of the Parties or other Rotterdam Convention meetings.

**Article 4: Designated national authorities (DNAs)**

Legal nature: Mandatory for all Parties

Obligations	Implementation requirements	Assumed underlying foundational capacities
<ul style="list-style-type: none"> <li>Designate DNA (art. 4.1)</li> <li>Provide sufficient resources for DNA (art. 4.2)</li> <li>Provide Secretariat with name and address of DNA (art. 4.3)</li> </ul>	<ul style="list-style-type: none"> <li>Amend legislation to provide DNA with necessary administrative authority</li> <li>Provide DNA with necessary financial resources and allocate funds in budget</li> <li>Hire sufficient staff and/or train/reassign existing staff to enable DNA to perform its functions</li> <li>Provide DNA with adequate information and communication technology, such as computers, internet access, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Existence of general institutional and physical infrastructures to support the use of information and communication technologies, including for international communications</li> <li>Procedures to gather data and exchange information at the national level, with other countries, and with international organizations</li> <li>Mechanisms to facilitate coordination between various ministries and ensure cooperation at the international level with relevant institutions</li> <li>Capacities for raising awareness among stakeholders</li> </ul>

**Article 5: Procedures for banned or severely restricted chemicals**

Legal nature: Mandatory for all Parties that have adopted final regulatory actions

Obligations	Implementation requirements	Assumed underlying foundational capacities
<ul style="list-style-type: none"> <li>Notify Secretariat of final regulatory actions (art. 5.1)</li> <li>Notify Secretariat upon entry into force of final regulatory actions in effect at that time (art. 5.2)</li> </ul>	<ul style="list-style-type: none"> <li>Ensure sufficient regulatory framework to gather and submit required information</li> <li>Designate national authority responsible for providing notifications and ensure sufficient authority and responsibility</li> <li>Provide DNA with sufficient resources, including information and communication technology</li> </ul>	<ul style="list-style-type: none"> <li>Institutional capacities and procedures for coordination and communication among different agencies responsible for chemicals management</li> <li>Administrative, regulatory, and legal capacities to take regulatory action to ban or restrict chemicals in order to protect human health or the environment</li> </ul>

**Article 6: Procedures for severely hazardous pesticide formulations**Legal nature: Discretionary, applies to any developing country or EIT country Party<sup>3</sup>

Obligations	Implementation requirements	Assumed underlying foundational capacities
<ul style="list-style-type: none"> <li>Propose new Annex III listings of severely hazardous pesticide formulations (art. 6.1)</li> <li>Proposals must contain information specified in Annex IV, Part 1 (art. 6.1)</li> </ul>	<ul style="list-style-type: none"> <li>Ensure sufficient regulatory framework to enable authorities to gather and submit required information</li> <li>Select a national authority responsible for proposals and ensure sufficient authority and responsibility</li> </ul>	<ul style="list-style-type: none"> <li>Basic framework of pesticides legislation</li> <li>Institutional and technical capacities for hazard and risk assessment and analysis, including ability to track and document use patterns, exposure incidents, adverse effects, etc.</li> </ul>

<sup>3</sup> Although developing countries are not required to propose new Annex III listings, their ability to do so may be an important factor in the degree to which they are able to protect their environmental health interests and contribute towards achievement of the Convention's objectives.

Obligations	Implementation requirements	Assumed underlying foundational capacities
	<ul style="list-style-type: none"> <li>Provide that authority with sufficient resources including information and communication technologies</li> </ul>	<ul style="list-style-type: none"> <li>Institutional capacities and procedures for coordination, communication, and information-sharing between various agencies responsible for chemicals management</li> </ul>

### Article 10.1-8: Obligations in relation to imports of chemicals listed in Annex III

Legal nature: Mandatory for all Parties

Obligations	Implementation requirements	Assumed underlying foundational capacities
<ul style="list-style-type: none"> <li>Implement appropriate administrative and legislative measures to ensure timely decisions with respect to the import of listed chemicals (art. 10.1)</li> <li>Transmit timely responses to the Secretariat regarding consent to import listed chemicals (art. 10.2, 10.4, 10.5)</li> <li>Include description of any legislative or administrative measures upon which response decision is based (art. 10.6)</li> <li>Transmit import responses with respect to each chemical listed in Annex III to Secretariat upon entry into force (art.10.7)</li> <li>Make import responses available to those concerned within Party's jurisdiction (art. 10.8)</li> </ul>	<ul style="list-style-type: none"> <li>Ensure that responsible authorities are able to effectively use information contained in decision guidance documents as basis for making informed import decisions</li> <li>Provide DNA with sufficient authority to gather specified information and make decisions regarding import responses received</li> <li>Establish consequences for DNA's failure to submit import responses</li> <li>Enact and implement procedures to communicate import decisions to authorities responsible for controlling imports</li> <li>Establish monitoring and reporting procedures regarding imports of Annex III substances, including training and authority for customs officials to gather and compile information</li> <li>Ensure information concerning imports is disseminated to stakeholders</li> </ul>	<ul style="list-style-type: none"> <li>Basic framework of national legislation for regulating pesticides and chemicals, including capacities for risk analysis and regulatory decision-making</li> <li>Regulatory and other tools including: <ul style="list-style-type: none"> <li>Pesticides/chemicals registration system</li> <li>Post-registration review</li> <li>Civil society involvement</li> <li>Legislative bans or controls</li> <li>Import and export measures, including to enable customs officials and others to establish and implement necessary controls</li> <li>Provisions for proprietary information</li> <li>Data collection, monitoring and reporting relating to production, use, import and export</li> </ul> </li> <li>Institutional capacities necessary to implement national legislation, such as: <ul style="list-style-type: none"> <li>Infrastructure for risk assessment and risk management decision-making (includes establishing agencies and providing them with sufficient staff, financial and technical resources)</li> <li>Mechanisms for coordinating and communicating between different national agencies</li> <li>Functioning, sufficiently staffed and equipped customs service</li> </ul> </li> </ul>

**Article 10.9: Obligations relevant to domestic production for domestic use, and import from any source**

Legal nature: Mandatory for all Parties that do not consent to import or consent only under specified conditions

Obligations	Implementation requirements	Assumed underlying foundational capacities
<ul style="list-style-type: none"> <li>Prohibit or restrict all sources of import and domestic production in the same manner as import bans or restrictions taken under Article 10.4</li> </ul>	<ul style="list-style-type: none"> <li>Enact or amend chemicals regulations to ensure harmonization of treatment between domestic production for domestic use and all imports</li> <li>Ensure that import controls are simultaneously applied to imports from all sources</li> <li>Ensure that regulatory system at national level is capable of enforcing restrictions</li> </ul>	<ul style="list-style-type: none"> <li>Functioning chemicals regulatory system at the national level, as discussed above, that is sufficiently strong to enforce controls on domestic production of chemicals for domestic use</li> <li>Capacity to control imports, including a well-functioning and trained customs service</li> </ul>

**Article 11: Obligations in relation to exports of chemicals listed in Annex III**

Legal nature: Mandatory for all Parties that export listed chemicals

Obligations	Implementation requirements	Assumed underlying foundational capacities
<ul style="list-style-type: none"> <li>Communicate received import responses to concerned entities within jurisdiction (art. 11.1)</li> <li>Ensure that exporters comply with import decisions within six months</li> <li>Advise and assist importing Parties upon request and as appropriate to obtain further information and to strengthen their capacities to manage chemicals throughout their life cycles</li> <li>If a Party fails to transmit an import response, exporting Parties must ensure that chemicals listed in Annex III are not exported to them from their territory unless under an applicable exception (art. 11.2)</li> </ul>	<ul style="list-style-type: none"> <li>Enact or amend laws to provide authority to regulate or ban export of listed chemicals; must include procedural requirements, e.g., exporter notice to DNA of its intention to export an Annex III substance to a Party that has failed to provide an import response</li> <li>Ensure that DNA has sufficient legal authority to oversee compliance</li> <li>Establish procedures to ensure that import decisions are communicated to authorities responsible for controlling exports, including customs officials</li> <li>Specify consequences for violations by exporters</li> <li>Ensure that DNA has sufficient resources for disseminating information on import decisions and gathering information on exporter's intentions to export chemicals</li> <li>Train staff of authorities responsible for controlling imports (including customs officials) regarding labelling and harmonized customs code, etc.</li> </ul>	<ul style="list-style-type: none"> <li>Effective customs regulations and functioning, well-trained customs authority</li> <li>Enforcement/compliance authorities</li> <li>Existence of adequate information and communication technology infrastructures</li> </ul>

**Articles 12 and 13: Export notification and information to accompany exported chemicals**

Legal nature: Art. 12, mandatory for all Parties, but obligation may cease in certain situations; Art 13, mandatory except Art. 13.3, which is discretionary

Obligations	Implementation requirements	Assumed underlying foundational capacities
<p><b>Export notification (art. 12)</b></p> <ul style="list-style-type: none"> <li>• Provide an export notification to importing Parties, including specified information, whenever a Party exports a chemical that is banned or severely restricted in its territory (art. 12.1)</li> <li>• Exporting Parties must adhere to timing requirements, provide updated export notifications and second notifications in certain circumstances (art. 12.2–4)</li> <li>• Importing Parties may waive notice requirement and must acknowledge receipt of first export notification received from exporting Party (art. 12.2, 12.4)</li> </ul> <p><b>Information to accompany exported chemicals (art. 13)</b></p> <ul style="list-style-type: none"> <li>• Use Harmonized System customs codes, when available, for each chemicals shipment (art. 13.1); label all exports of Annex III or banned or severely restricted chemicals (art. 13.2); send safety data sheets of chemicals used for occupational purposes to importers (art. 13.4); provide information on the label/safety data sheet in one or more official languages of importing Party, as far as practicable (art. 13.5)</li> <li>• Parties may require special labelling for chemicals that are subject to national labeling requirements (art. 13.3)</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure that exporting Party DNA has authority to gather information required for export notifications</li> <li>• Should include provisions specifying that an exporter shall notify the DNA when it intends to export from the territory of the Party any substance that has been banned or severely restricted by the Party</li> <li>• Enact, implement, and enforce legal obligations regarding the use of customs codes, labelling, and safety data sheets</li> <li>• Laws may include provisions regarding non-observance of obligations and specify consequences for violations</li> <li>• Ensure that there are institutional capacities for information exchange and coordination between the relevant authorities</li> <li>• Train customs officers to enable them to determine whether export notification and information requirements are met</li> </ul>	<ul style="list-style-type: none"> <li>• Ability to track and regulate imports and exports of chemicals</li> <li>• An adequately trained and functioning customs system</li> <li>• Capacity to manage licensing, tracking, and labelling systems for chemicals</li> </ul>

**Article 14: Information exchange**

Legal nature: Article 14.12, mandatory for all Parties; Article 14.5, discretionary

Obligations	Implementation requirements	Assumed underlying foundational capacities
<ul style="list-style-type: none"> <li>• Facilitate (a) exchange of scientific, technical, economic and legal information concerning chemicals; (b) provision of publicly available information on domestic regulatory actions relevant to objectives of Convention; and (c) provision to other Parties of information on domestic regulatory actions that substantially restrict one or more uses of chemical (art. 14.1)</li> <li>• Protect confidential information as mutually agreed, subject to specified exceptions (art. 14.2–3)</li> <li>• Party requiring information on transit movements through its territory of listed chemicals may report its need to the Secretariat, which shall inform all Parties accordingly (art. 14.5)</li> </ul>	<ul style="list-style-type: none"> <li>• Amend or adopt legislation to enable information exchange at national and international level in terms of Article 14</li> <li>• Amend or adopt legislation to protect confidential business information without violating transparency provisions of Article 14.3</li> <li>• Provide authorities with technical capacities required for information exchange, especially information and communication technologies</li> <li>• May provide information to the public and other Parties by establishing publicly accessible data bases or internet sites</li> </ul>	<ul style="list-style-type: none"> <li>• Capacity to receive, interpret and apply lessons learned from exchange of information concerning chemicals</li> <li>• Corporation law and practice that is sufficiently developed to provide guidance on standards for confidential business information, including application of exceptions</li> <li>• Ability of governments to interpret and respond to information about transit movements of goods across their territories</li> <li>• Existence of general infrastructure in which information and communication technology may be used</li> </ul>

**Article 15: Implementation of the Convention**

Legal nature: Mandatory for all Parties

Obligations	Implementation requirements	Assumed underlying foundational capacities
<ul style="list-style-type: none"> <li>• Take measures necessary for the effective implementation of the Convention, which may include legislative and administrative measures, the establishment of national registers and databases, encouragement of initiatives by industry to promote chemical safety, and promotion of voluntary agreements (art. 15.1)</li> <li>• Ensure that the public has appropriate access to information on chemicals handling, accident management, and safer alternatives (art. 15.2)</li> <li>• Cooperate in the implementation of the Convention at subregional, regional, and global levels (art. 15.3)</li> </ul>	<ul style="list-style-type: none"> <li>• Implement all the obligations described above</li> <li>• Establish opportunities for public access to information on chemicals handling, etc. by, e.g., creating internet sites and distributing printed documents</li> <li>• Provide authorities with technical capacities to enable international cooperation and information exchange, especially using information and communication technologies</li> </ul>	<ul style="list-style-type: none"> <li>• All the foundational capacities listed in respect to other provisions of the Convention</li> <li>• Procedures to ensure timely and effective notice to the public</li> <li>• Knowledge and experience in dealing with intergovernmental organizations</li> </ul>

**Article 16: Technical assistance (in particular, for developing countries and EITs)**

Legal nature: Mandatory for all Parties

<b>Obligations</b>	<b>Implementation requirements</b>	<b>Assumed underlying foundational capacities</b>
<ul style="list-style-type: none"> <li>• Cooperate in promoting technical assistance for the development of infrastructure and capacity necessary to manage chemicals to enable implementation of the Convention</li> <li>• Provide technical assistance, including training, to other Parties</li> </ul>	<ul style="list-style-type: none"> <li>• Amend legislation to confer upon DNAs and others, as appropriate, authority and responsibility to cooperate in promoting and receiving technical assistance</li> <li>• Provide authorities with technical capacities and resources required for international cooperation and information exchange, especially with information and communication technology</li> </ul>	<ul style="list-style-type: none"> <li>• Existence of general infrastructure in which information and communication technology may be used</li> </ul>