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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  
Fifth meeting**

Geneva, 20–24 June 2011

Item 5 (a) of the provisional agenda\*

**Matters related to the implementation of the  
Convention: status of implementation**

## **Status of implementation of the Convention**

### **Note by the Secretariat**

1. The annex to the present note sets out a detailed report by the Secretariat on progress achieved in the implementation of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade for consideration by the Conference of the Parties at its fifth meeting. The report provides information on the status of implementation of the Convention between 1 May 2008 and 31 October 2010, based on the requirements set out in the Convention.

### **Possible action by the Conference of the Parties**

2. The Conference of the Parties may wish:

(a) To note the status of implementation of the Convention by parties and the progress achieved between 1 May 2008 and 31 October 2010;

(b) To remind parties of their obligations to ensure the effective operation of the Convention under Articles 5, 6 and 10 of the Convention;

(c) To take into account the information presented in the report when considering issues related to technical assistance (documents UNEP/FAO/RC/COP.5/18 and UNEP/FAO/RC/COP.5/19).

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\* UNEP/FAO/RC/COP.5/1/Rev.1.

## Annex

# Status of implementation of the Rotterdam Convention as at 31 October 2010

## Introduction

1. The present report provides information on the status of implementation of the Rotterdam Convention, highlighting the progress made between 1 May 2008 and 31 October 2010. 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 provided herein is limited to those parties for which the Convention had entered into force as at 31 October 2010. The reporting period reflects the information published in PIC Circulars XXVIII (December 2008) to XXXII (December 2010).
2. The report comprises seven chapters pertaining to information circulated to designated national authorities by the Secretariat through the PIC Circular pursuant to Articles 4–7, 10–14, 16 and 25 of the Convention, along with information on activities of parties that are not reported in the PIC Circular.
3. The Secretariat has analysed trends in the implementation of the Convention's key provisions, specifically in respect of 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). Some challenges associated with the implementation of these provisions are described in a note by the Secretariat on current regulatory processes for chemicals and their relationship to the definitions of banned or severely restricted chemicals in Article 2 of the Rotterdam Convention (UNEP/FAO/RC/COP.5/4).

## I. Parties, official contact points and designated national authorities

### A. Parties and official contact points

4. Article 25 of the Convention sets forth provisions related to the ratification of the Convention. As at 31 October 2010, the Convention had 140 parties, with the Convention having entered into force for 135 of them. The parties for which the Convention had not entered into force by that date are not included in the calculations for import responses and notifications of final regulatory action. During the reporting period, 18 countries ratified the Convention. Table 1 shows the number of parties in each PIC region and 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 for them is available on the Convention website and is updated regularly. A copy of this list can also be found in document UNEP/FAO/RC/COP.5/INF/2.

Table 1

**Overview of the number and distribution of parties according to the PIC regions (as at 31 October 2010)**

<i>PIC region</i>	<i>Number of parties</i>	<i>Parties as a percentage of countries within each region</i>
Africa	40	75%
Asia	18	72%
Europe	39	76%
Latin America and the Caribbean	26	79%
Near East	10	63%
North America	1	50%
Southwest Pacific	6	38%

5. The 140 parties to the Convention have nominated 379 official contact points. Some countries have nominated up to five official contact points, including multiple contact points within a single ministry. The nomination of numerous contact points in this manner may impede efficient communication between the Secretariat and parties. The list of official contact points is updated regularly and is available on the Convention website.

## B. Designated national authorities

6. Article 4 of the Convention sets forth provisions relating to designated national authorities. As at 31 October 2010, the 140 parties to the Convention had nominated 257 designated national authorities. The Secretariat received 51 new nominations of new designated national authorities and 79 requests to update information regarding existing authorities during the reporting period. The Secretariat updates the list of designated national authorities as new nominations and changes to existing nominations are received. Information about designated national authorities is available on the Convention website and is distributed with the PIC Circular every six months. Contact information for designated national authorities can also be found in document UNEP/FAO/RC/COP.5/INF/3.

7. As at 31 October 2010, only two parties had not nominated designated national authorities: Luxembourg and Somalia. The Secretariat continues to follow up on the matter with those parties.

8. On 26 October 2010, the Secretariat sent a letter to all parties' official contact points asking for confirmation or updates of contact details for designated national authorities and official contact points to improve the quality of its contact database. As at 15 February 2011, the Secretariat had received 37 such updates or confirmations for official contact points and 97 for designated national authorities.

9. The Secretariat sends a welcome letter to any new designated national authority, providing information on the obligations of parties and the status of implementation of the Convention in the relevant party. In addition, it provides a resource kit, which includes the relevant materials needed by a designated national authority for the implementation of the Convention. In response to the often-frequent changes in designated national authorities, the Secretariat has developed an electronic learning (e-learning) course for self-directed learning on the Convention's key operational elements.

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

10. Article 5 of the Convention sets forth provisions relating to notifications of final regulatory action to ban or severely restrict chemicals. 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 to the Convention.

11. In accordance with paragraph 3 of Article 5, the Secretariat circulates summaries of individual notifications of final regulatory actions received after verifying that they include the information listed in Annex I to 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 include all the information listed in Annex I to the Convention. This information is communicated to parties through the PIC Circular.

12. During the reporting period, the Secretariat received a total of 169 notifications from 30 parties.<sup>1, 2</sup> A total of 105 notifications were verified as meeting the information requirements of Annex I. Of those notifications, 67 were for chemicals that were not listed in Annex III to the Convention and 38 were for chemicals already listed in Annex III. Of the 105 complete notifications, 57 were for pesticides, 47 were for industrial chemicals and 1 applied to both categories. Six parties submitted notifications that did not meet some of the information requirements of Annex I. Table 2 shows the number of notifications and parties submitting notifications over the reporting period.

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1 The European Community submitted five notifications. Those notifications relate to regulatory actions affecting the 27 member States of the European Union, of which 26 are parties to the Convention.

2 As indicated by the Depository of the Convention in a notification dated 31 March 2010 (reference: C.N.182.2010.TREATIES-2), which was in turn based on a communication from the Council of the European Union dated 8 March 2010, following the entry into force of the Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, with effect from 1 December 2009 the European Union replaced the European Community (Article 1, third paragraph, of the Treaty of Lisbon) and took over all rights and obligations of the European Community. The former European Community has accordingly been replaced by the European Union in respect of all conventions or agreements for which the Secretary-General of the United Nations is the depository and to which the European Community is a signatory or a contracting party.

Table 2  
**Number of notifications and parties submitting notifications over the reporting period (1 May 2008 to 31 October 2010)**

<i>Period</i>	<i>Total number of notifications submitted</i>	<i>Number of notifications that met Annex I requirements and number of parties<sup>3</sup></i>	<i>Number of notifications that did not meet Annex I requirements and number of parties</i>
1 May 2008–31 October 2008	61	45 from 12 parties	16 from 1 party
1 November 2008–30 April 2009	8	8 from 4 parties	0
1 May 2009–31 October 2009	13	12 from 7 parties	1 from 1 party
1 November 2009–30 April 2010	9	6 from 4 parties	3 from 2 parties
1 May 2010–31 October 2010	78	34 from 7 parties	44 from 2 parties

13. There are over 200 chemicals for which notifications have been received that are not currently listed in Annex III. Once an additional notification verified as meeting the information requirements of Annex I has been submitted from a second PIC region for one or more of these chemicals, they will then be taken up for consideration by the Chemical Review Committee for inclusion in the PIC procedure. A current list of the chemicals for which notifications have been received and the regions from which the verified notifications pertaining to them were submitted may be found in appendix V of the PIC Circular.

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

15. The Conference of the Parties may wish to remind parties that have adopted final regulatory actions to notify the Secretariat of that fact within the time frame established by paragraphs 1 and 2 of Article 5. The Conference may also wish to draw the attention of parties to the chemicals for which at least one complete notification already exists and propose that, when preparing notifications of final regulatory action, parties give priority to those chemicals. Similarly, although parties are not obliged to resubmit notifications that were submitted under the original PIC procedure (paragraph 2 of Article 5), published in PIC Circular X, they may wish to consider resubmitting such notifications for chemicals that are not currently listed in Annex III in the event that additional information becomes available.

16. At its fifth and sixth meetings, in March 2009 and March 2010, respectively, the Chemical Review Committee considered a total of 30 new notifications in support of 10 chemicals. Of those notifications, 14 were found to meet the criteria set out in Annex II to the Convention. Two chemicals, endosulfan and azinphos-methyl, were the subject of one or more notifications from each of two PIC regions that were found to meet the requirements of the Convention and were recommended by the Committee for listing in Annex III. Draft decision guidance documents were prepared for those two chemicals. The Committee's reports on the work of its fifth and sixth meetings are available in documents UNEP/FAO/RC/COP.5/9/Add.1 and Add.2, respectively.

17. Seven candidate chemicals were scheduled for consideration by the Committee at its seventh meeting: amitraz; carbaryl; endosulfan; perfluorooctane sulfonate, its salts and precursors; pentabromodiphenyl ether commercial mixtures; pentachlorobenzene; and octabromodiphenyl ether commercial mixtures.

### **III. Proposal for inclusion of severely hazardous pesticide formulations**

18. Article 6 of the Convention sets forth provisions relating to proposals for the inclusion of severely hazardous pesticide formulations in Annex III. One proposal for listing Gramoxone Super (an emulsifiable concentrate formulation containing 200 g/L of paraquat) as a severely hazardous pesticide formulation was received by the Secretariat during the reporting period. On 5 October 2010, the Secretariat requested designated national authorities and various observers to provide information on the formulation, as stipulated in part 2 of Annex IV to the Convention. The information submitted was presented to the Chemical Review Committee at its seventh meeting, in March 2011.

<sup>3</sup> Each notification from the European Union was counted only once, although the regulatory action affects the 27 member States of the European Union.

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

19. 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. In accordance with paragraph 10 of Article 10, the Secretariat informs all parties of the responses received regarding future imports of such chemicals 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 by parties to transmit such responses is also provided. This information is communicated to parties through appendix IV of the PIC Circular. As at 31 October 2010, the Convention had entered into force for 135 parties.

20. As at 31 October 2010, 40 chemicals were listed in Annex III, including 25 pesticides, 4 severely hazardous pesticide formulations and 11 industrial chemicals, and were therefore subject to the PIC procedure. Parties are obliged to submit import responses for each of those chemicals. A total of 3,930 import responses have been submitted by 123 parties for Annex III chemicals. The average rate of import response is 73 per cent for the 40 chemicals listed in Annex III. Table 3 summarizes the number of import responses provided by parties in each PIC region, the number of parties that have not provided any import responses and the overall response rate per region.

Table 3

**Number of parties submitting import responses, number of parties submitting no response and average response rates in each PIC region (as at 31 October 2010)**

<i>PIC region</i>	<i>Parties that have submitted one or more import response</i>	<i>Parties that have submitted no import responses</i>	<i>Average import response rate per region</i>
Africa	34	6	56%
Asia	16	1	73%
Europe	34	3	86%
Latin America and the Caribbean	24	0	80%
Near East	10	0	75%
North America	1	0	100%
Southwest Pacific	4	2	55%

21. During the reporting period a total of 86 parties submitted 950 new or revised import responses for the chemicals listed in Annex III. Four parties that had submitted no import responses in the previous reporting period May 2006–April 2008 (Croatia, Eritrea, Libyan Arab Jamahiriya and the Republic of Moldova) submitted import responses during the current reporting period. As at 31 October 2010, 12 parties (Botswana, Djibouti, Equatorial Guinea, Georgia, Lesotho, Maldives, Marshall Islands, Namibia, Serbia, Somalia, Tonga and Ukraine) had provided no import responses. Of those, four countries had become parties to the Convention within the reporting period. Parties having difficulties taking import decisions are encouraged to request assistance from the Secretariat. The Secretariat will continue to liaise with parties that have not submitted import responses.

22. The decision guidance document for tributyltin compounds, chemicals that were added to Annex III to the Convention at the fourth meeting of the Conference of the Parties, was circulated to all parties on 1 February 2009, together with a request for parties to submit to the Secretariat by 30 October 2010 their responses regarding future imports of the chemicals. As at 31 October 2010, the Secretariat received a total of 61 import responses for tributyltin compounds, resulting in an average response rate of 45 per cent. The Secretariat encourages parties that have not yet submitted import responses for tributyltin compounds to do so or, for those parties having difficulties taking an import decision, to request assistance from the Secretariat.

23. In October 2009, the Secretariat wrote a letter to the designated national authorities of parties that had submitted 20 or fewer import responses for chemicals listed in Annex III and parties that had not updated interim import responses that they had submitted at least two years previously; the Secretariat reminded parties of their obligations with regard to import responses, encouraged them to review the current status of their interim import responses and invited them to contact the Secretariat should they require assistance. As a result, the Secretariat noted a significant increase in the number of import responses submitted, with 722 new or revised import responses published in 2010. It is likely that this increase can be attributed to the letter, along with various other activities.

24. The Conference of the Parties may wish to remind parties to submit to the Secretariat, as soon as possible, import responses for each of the 40 chemicals currently included in Annex III if they have not yet done so. The timely submission of import responses for all chemicals in Annex III is essential for the effective operation of the PIC procedure.

## **V. Obligations in relation to the export of chemicals**

25. Article 11 sets out obligations relating to the export of chemicals listed in Annex III, including the obligation of exporters to comply with the import responses listed in appendix IV of the PIC Circular. It also provides for cases of failure by parties to transmit import responses.

26. Article 12 sets out the requirements relating to export notifications for chemicals that are banned or severely restricted by exporting parties. 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.

27. At its fourth meeting, the Conference of the Parties requested the Secretariat to collect feedback on the use of the form for export notification. The form was included in the curricula of training and awareness-raising workshops and thematic workshops on trade-related issues, at which experience in using the form was discussed. At those workshops many exporting parties reported using the standard form as the basis for the communication of export notifications, saying that it facilitated the process of sending and acknowledging export notifications.

28. Article 13 sets out further information requirements relevant to chemicals listed in Annex III and chemicals that are banned or severely restricted by exporting parties, including labelling and safety data sheets to accompany exports.

29. As information regarding the export of chemicals and pesticides under the Convention is provided directly from exporting parties to importing parties, the Secretariat has no comprehensive information on the status of implementation of Articles 11–13.

## **VI. Information exchange provisions**

30. Under paragraph 1 of Article 14 parties are required 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.

31. During the reporting period, the Secretariat published information on chrysotile asbestos and endosulfan received from the European Union, Guinea-Bissau, Mauritania, Peru, Switzerland and Viet Nam. This information was provided in appendix VI of the PIC Circular. This information is made available in response to decisions RC-3/3, RC-4/4 and RC-4/6, on information exchange on chemicals recommended by the Chemical Review Committee for listing in Annex III but for which the Conference of the Parties has yet to make a final decision.

32. Under paragraph 5 of Article 14, any party requiring information on transit movements through its territory of chemicals listed in Annex III may inform the Secretariat, which is then to inform all parties accordingly. As at 31 October 2010, no party had informed the Secretariat that it required such information.

33. The Secretariat provides a dedicated information exchange section on the 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.

34. Parties may wish to report to the Conference of the Parties on their experience with the direct provision of information from other parties.

## **VII. Technical assistance**

35. Article 16 of the Convention sets out provisions on technical assistance. A note by the secretariat on its activities on technical assistance for the period 2009–2011 is set out in document UNEP/FAO/RC/COP.5/18. Parties will have an opportunity to report on their experience in the implementation of Article 16 under item 5 (f) of the provisional agenda, on technical assistance.

36. In considering the Secretariat's technical assistance programme, the Conference of the Parties may wish to take into account the information provided in the present note.

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