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**Rotterdam Convention on the Prior Informed
Consent Procedure for Certain Hazardous
Chemicals and Pesticides in International Trade
Chemical Review Committee
Fourth meeting
Geneva, 10–13 March 2008**

Operation of the Prior Informed Consent Procedure

Note by the secretariat

1. The annex to the present note contains a description, prepared by the Secretariat, of the prior informed consent procedure under the Rotterdam Convention.

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Annex 1

Overview of the Rotterdam Convention

How was the Rotterdam Convention developed?

The dramatic growth in chemical production and trade during the past three decades has raised concerns about the potential risks posed by hazardous chemicals and pesticides. Countries lacking adequate infrastructure to monitor the import and use of these chemicals are particularly vulnerable.

In response to these concerns, UNEP and FAO started developing and promoting voluntary information exchange programmes in the mid-1980s. FAO launched its International Code of Conduct on the Distribution and Use of Pesticides in 1985 and UNEP established the London Guidelines for the Exchange of Information on Chemicals in International Trade in 1987. In 1989, the two organizations jointly introduced the voluntary Prior Informed Consent (PIC) procedure into these two instruments. Together, these instruments helped to ensure that governments had the necessary information to enable them to assess the risks of hazardous chemicals and to take informed decisions on their future import.

Seeing the need for mandatory controls, officials attending the 1992 Rio Earth Summit adopted Chapter 19 of Agenda 21, which called for a legally binding instrument on the PIC procedure by the year 2000. Consequently, the FAO Council (in 1994) and the UNEP Governing Council (in 1995) mandated their Executive Heads to launch negotiations. Talks started in March 1996 and concluded in March 1998 with the finalization of the text of the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals in International Trade. As clear testimony to the urgency attributed to addressing international trade in hazardous chemicals, governments completed the negotiations of the Convention in only two years, which was also two years in advance of the deadline set by the Rio Earth Summit.

The Rotterdam Convention was adopted at the Diplomatic Conference held in Rotterdam on 10 September 1998. It entered into force on 24 February 2004, 90 days after deposition of the 50th instrument of ratification. Between the adoption of the Convention and its entry into force, it has been operated on a voluntary basis as the *interim Prior Informed Consent (PIC) procedure* whose purpose was to continue the original PIC procedure and to prepare for effective operation of the Convention upon its entry into force. During the interim period, over 170 countries have designated some 265 national authorities (DNAs) to act on their behalf in the performance of the administrative functions required by the Convention.

On entry into force the Convention became legally binding for its Parties. The first meeting of the Conference of the Parties was convened in September 2004.

What are its objectives and scope?

The objective of the Convention is to promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals, in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use by facilitating information exchange about their characteristics, providing for a national decision-making process on their import and export and disseminating these decisions to Parties.

In other words, the Convention enables the world to monitor and control the trade in certain hazardous chemicals. **It is not** a recommendation to ban the global trade or use of specific

chemicals. It gives importing Parties the power to make informed decisions on which of these chemicals they want to receive and to exclude those they cannot manage safely. If trade does take place, requirements for labelling and provision of information on potential health and environmental effects will promote the safe use of these chemicals.

Which chemicals are included?

The Convention covers pesticides and industrial chemicals that have been banned or severely restricted for health or environmental reasons by participating Parties. Severely hazardous pesticide formulations that present a hazard under the conditions of use in developing country Parties or Parties with economies in transition may also be included.

Annex III of the Convention contains a list of industrial chemicals, pesticides and severely hazardous pesticide formulations which are subject to the Prior Informed Consent (PIC) procedure*. The Convention sets out criteria and a process for the inclusion of additional chemicals in Annex III. The process starts when two Parties from two PIC regions ban or severely restrict a chemical, or one Party proposes a severely hazardous pesticide formulation. The Chemical Review Committee reviews the information against the criteria set out in the Convention and makes recommendations to the Conference of the Parties as to whether or not the chemical in question should be listed in Annex III. The final decision is taken by the Conference of the Parties. In 1998 the text of the Convention was adopted with 27 chemicals in Annex III. In September 2004 the Conference of the Parties added a further set of chemicals based on work completed during the interim PIC procedure. For a current list of the chemicals included in Annex III please consult the Convention website www.pic.int.

How will it work? – Key players

Parties and their Designated National Authorities (DNAs) – Parties are countries or regional economic integration organizations that have ratified, accepted, approved or acceded to the Convention. Each Party must designate one or more national authorities, which are the primary contact points for matters related to the operation of the Convention and are authorized to perform the administrative functions required by the Convention.

Conference of the Parties (COP) - The Conference of the Parties oversees the operation of the Convention and makes decisions regarding amendments to the Convention, including the addition of chemicals to Annex III.

Chemical Review Committee (CRC) - The Chemical Review Committee is a subsidiary body of the COP. Its members are government designated experts in chemicals management. Its responsibilities include reviewing notifications and proposals from Parties, and making recommendations to the COP on the addition of chemicals to Annex III.

Secretariat - The Secretariat for the Rotterdam Convention is provided jointly by FAO and UNEP. The functions of the Secretariat include making administrative arrangements for meetings of the COP and its subsidiary bodies, verifying information accompanying notifications and proposals, disseminating import responses provided by the Parties, facilitating assistance to developing country Parties, facilitating information exchange between Parties and ensuring coordination with other international organizations.

How will it work? – Key elements

To achieve its objectives the Convention includes two key provisions, namely the Prior Informed Consent (PIC) procedure and information exchange.

The Prior Informed Consent (PIC) procedure – The PIC procedure is a mechanism for formally obtaining and disseminating the decisions of importing Parties as to whether they wish to receive future shipments of those chemicals listed in Annex III of the Convention and for ensuring compliance with these decisions by exporting Parties.

- For each of the chemicals listed in Annex III and subject to the PIC procedure a decision guidance document (DGD) is prepared and sent to all Parties. The DGD is intended to help governments assess the risks connected with the handling and use of the chemical and make more informed decisions about future import and use of the chemical, taking into account local conditions.
- All Parties are required to take a decision as to whether or not they will allow future import of each of the chemicals in Annex III of the Convention. These decisions, known as import responses, are sent to the Secretariat by the DNA. A listing of the import responses given for each chemical subject to the PIC procedure is circulated by the Secretariat to all DNAs every six months via the PIC Circular. Import decisions taken by Parties must be trade neutral, that is, if the Party decides not to accept imports of a specific chemical, it must also stop domestic production of the chemical for domestic use and refuse imports from any source, including from non-parties.
- All exporting Parties are required to ensure that exports of chemicals subject to the PIC procedure do not occur contrary to the decision of each importing Party. They should ensure that import responses published in the PIC Circular are immediately communicated to their exporters, industry and any other relevant authorities, such as the Department of Customs.

Information exchange – The Convention facilitates information exchange among Parties for a very broad range of potentially hazardous chemicals.

- The Convention requires each Party to notify the Secretariat when taking a domestic regulatory action to ban or severely restrict a chemical. A developing country Party or a Party with an economy in transition that is experiencing problems caused by a severely hazardous pesticide formulation may report such problems to the Secretariat. All Parties receive summaries of these notifications and proposals on a regular basis via the PIC Circular.
- When a chemical that is banned or severely restricted by a Party is exported from its territory, that Party must notify each individual importing Party before the first shipment and annually thereafter.
- Exports of banned or severely restricted chemicals, as well as chemicals subject to the PIC procedure, are to be appropriately labeled and accompanied by basic health and safety information in the form of a safety data sheet.

What are the benefits to Parties?

Benefits to Parties include:

- **Early warning system**
Through the biannual PIC Circular, Parties are made aware of national bans or severe restrictions of hazardous chemicals by other Parties and information on incidents resulting

from the use of hazardous pesticide formulations causing human poisoning or environmental damage.

- **Informed decision-making**

Parties receive a decision guidance document (DGD) for each chemical listed in Annex III of the Convention. The information contained in a DGD provides a basis for making an informed decision regarding future import of these chemicals.

- **Shared responsibilities**

The Convention helps Parties to better manage chemicals and to avoid the import of certain unwanted chemicals by promoting a shared responsibility among importing and exporting Parties. Importing Parties have a responsibility to make informed decisions regarding future import in a timely manner, while exporting Parties have a responsibility to ensure that exports do not occur contrary to the import decisions of importing Parties.

- **Export notification**

An export notification reminds an importing Party that it is going to receive a chemical that has been banned or severely restricted in the exporting Party. The importing Party may take the opportunity to seek further information on the chemical and consider whether it might need to apply risk management actions.

- **Information accompanying export**

Information provided on labels and the safety data sheet that are required to accompany the export of certain hazardous chemicals helps importing Parties to minimize risks to workers, others and the environment.

- **Networks among DNAs**

A list of the contact details for all DNAs nominated by Parties under the Convention is available on the Convention website and circulated with the PIC Circular every six months. It constitutes a network of individuals with knowledge and experience in the implementation of the Rotterdam Convention.

Cooperative efforts among Parties

The Convention provides for technical assistance between Parties. Parties are to cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals for the successful implementation of the Convention. Parties with more advanced programmes for regulating chemicals are encouraged to provide technical assistance, including training to other Parties in developing their infrastructure and capacity to manage chemicals throughout their life-cycle.

In the context of other international instruments

In addition to the Rotterdam Convention, there are a number of other international instruments in the field of chemicals management. These include the Stockholm Convention on Persistent Organic Pollutants (POPs) and the Basel Convention on the Transboundary Movement of Hazardous Wastes and their Disposal. Taken together, these instruments provide an overall framework to assist countries in addressing risks from chemicals and pesticides throughout their life-cycle.

*** The chemicals subject to the Prior Informed Consent (PIC) procedure (listed in Annex III of the Convention) PESTICIDES:** 2,4,5-T, aldrin, binapacryl, captafol, chlordane, chlordimeform, chlorobenzilate, DDT, dieldrin, dinoseb and dinoseb salts, DNOC and its salts, 1,2-dibromoethane (EDB), ethylene dichloride, ethylene oxide, fluoroacetamide, HCH (mixed isomers), heptachlor, hexachlorobenzene, lindane, certain mercury compounds, monocrotophos, parathion, pentachlorophenol, toxaphene; **SEVERELY HAZARDOUS PESTICIDE FORMULATIONS OF** methamidophos, methyl-parathion, phosphamidon; dustable powder formulations containing a combination of benomyl, carbofuran and thiram; **INDUSTRIAL CHEMICALS:** asbestos (actinolite, anthophyllite, amosite, crocidolite, tremolite), polybrominated biphenyls (PBBs), polychlorinated biphenyls (PCBs) polychlorinated terphenyls (PCTs), tris (2,3-dibromopropyl) phosphate, tetraethyl lead (TEL) and tetramethyl lead (TML).
