



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

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**Chemical Review Committee**

**Sixth meeting**

Geneva, 15–19 March 2010

Item 3 of the provisional agenda\*

**Review of the outcome of the fourth meeting of the  
Conference of the Parties to the Rotterdam Convention  
relevant to the Committee's work**

**Additional legal opinion on intentional misuse and the  
application of criterion (d) of Annex II to the Convention**

**Note by the Secretariat**

**Corrigendum**

**1. Annex I, paragraph 10, first sentence**

The first sentence *should read*

It should be noted that the criteria contained in paragraphs (a), (b) and (c) require the CRC to confirm, establish or consider relevant facts with regard to the final regulatory action notified by Parties.

**2. Annex I, paragraph 10, third sentence**

The third sentence *should read*

Given the text of Annex II, and by reading it in ordinary meaning to the respective terms in this context, and in light of the objective of the Convention, and subject to the meaning of “use” of a chemical for its purpose, in the event where the criteria under paragraphs (a), (b) and (c) are met, it appears that the criterion contained in paragraph (d) cease to take effect.

**3. Annex I, page 5**

After paragraph 10, insert a new paragraph *reading*:

11. Furthermore, in considering the above, it should be recalled that as defined in Article 2, the Convention refers to the categories of use of a chemical consisting of pesticide (including severely hazardous pesticides formulation) and industrial. Therefore, where provisions of the Convention refer to “use” of a chemical, it should be understood to mean either the use of the chemical as a pesticide or an industrial chemical. Given this overall context, for the purpose of the Convention:

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\* UNEP/FAO/RC/CRC.6/1.

(a) “misuse” referred to in paragraph (d) of Annex II is understood to mean a use not as pesticide or industrial chemical;

(b) a chemical used as a pesticide or industrial chemical should not be considered to constitute “misuse”.

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