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**Rotterdam Convention on the Prior Informed
Consent Procedure for Certain Hazardous
Chemicals and Pesticides in International Trade
Chemical Review Committee
First meeting**

Geneva, 11–18 February 2005

Item 6 (a) (iv) of the provisional agenda*

**Operational procedures for the Chemical Review Committee:
working procedures and policy guidance forwarded from the
Conference of the Parties: determination of existing trade in chemicals**

Working procedures: Determination of ongoing trade in chemicals

Note by the secretariat

1. At its second session, the interim Chemical Review Committee agreed that, when forwarding notifications for review, the secretariat should initiate collection of information on international trade in the chemical concerned (UNEP/FAO/PIC/ICRC.2/11, para. 28 (e)). At its third session, the interim Chemical Review Committee reviewed a proposal on the process for the determination of ongoing trade in chemicals, as set out in document UNEP/FAO/PIC/ICRC.3/12. The Committee agreed to follow those guidelines (UNEP/FAO/PIC/ICRC.3/19, para. 48) and they were used for candidate chemicals considered by the interim Chemical Review Committee at its fourth and fifth sessions. The guidelines, as agreed by the interim Chemical Review Committee at its third session, were posted on the Rotterdam Convention web site.

2. At its ninth session, the Intergovernmental Negotiating Committee was invited to note the process adopted by the interim Chemical Review Committee at its third session (UNEP/FAO/PIC/INC.9/7, para. 23).

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

3. At its first meeting, the Conference of the Parties agreed to forward the process on determination of ongoing trade in chemicals to the Chemical Review Committee for consideration at its first meeting. The process is annexed to the present note.
4. The Committee is invited to review the process and consider its adoption. It may also wish to forward a request to the Conference of the Parties at its second meeting to encourage designated national authorities, and the relevant industry associations, to provide information on the ongoing trade in candidate chemicals when so requested by the secretariat.

Annex

IMPLEMENTATION OF THE OPERATIONAL PROCEDURES: DETERMINATION OF THE ONGOING TRADE IN CHEMICALS

Proposed process for determining evidence of trade

14. The process for determining whether or not there is ongoing international trade in a chemical must be as simple and pragmatic as possible, in order that it does not needlessly complicate the process for the development of decision guidance documents adopted by the Intergovernmental Negotiating Committee at its seventh session.

15. The simplest solution would be to have trade (import/export) information provided by countries as part of their submitted notifications of regulatory action. Where no information on imports or exports is provided by the notifying countries specific follow-up with industry associations and designated national authorities in other countries will be needed.

16. When the secretariat has received at least one notification from each of two PIC regions, the collection of information on evidence of trade could be undertaken from all possible sources simultaneously, as follows:

(a) For notifying countries, as a first step, the guidance on completing the notification form should make countries aware of the importance of including information on their imports and exports. Second, as part of the letter sent to countries to verify the completeness of their submitted notification of final regulatory action, they'll be informed that, once a second notification from another PIC region is provided, they will be requested to provide, where available, information on:

- (i) Whether or not they manufactured the chemical and, if so, whether they continue to export it;
- (ii) The last time that they imported the chemical;

(b) The relevant industry association (pesticide or industrial chemical) will be requested to provide a response as to whether the particular chemical is manufactured and traded. A positive response would be taken as evidence of trade. A negative response would require specific follow-up;

(c) A general call for information on continued use, import and export of the chemical could be posted on the Rotterdam website or included in the PIC circular each time that there were two verified notifications from two regions. This would also allow non-governmental organizations and others to provide information on evidence of continued production, use or trade.

17. Evidence of ongoing international trade for the chemical will be provided to the Committee for its consideration, along with the verified notifications of final regulatory action and supporting documentation submitted by the notifying countries.