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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
First meeting**

Geneva, 20–24 September 2004

Item 7 (a) of the provisional agenda*

**Matters stipulated by the Convention for action by the
Conference of the Parties: encouragement of the World Customs
Organization to assign specific Harmonized System customs codes
to the chemicals listed in Annex III**

**Encouragement of the World Customs Organization to assign
specific Harmonized System Custom Codes to the chemicals
listed in Annex III**

Note by the secretariat

Introduction

1. In article 13, paragraph 1, the Convention provides that “[t]he Conference of the Parties shall encourage the World Customs Organization to assign specific Harmonized System customs codes to the individual chemicals or groups of chemicals listed in Annex III, as appropriate. Each Party shall require that, whenever a code has been assigned to such a chemical, the shipping document for that chemical bears the code when exported.”
2. In view of the urgency of this issue, the Intergovernmental Negotiating Committee, at its sixth session, invited the secretariat and its chair to initiate contact with the World Customs Organization (WCO) and to report on the outcome.

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

3. In a letter dated 25 January 2000, WCO enthusiastically welcomed the provision in the Convention for the assignment of specific customs codes to individual chemicals listed in Annex III, being of the opinion that such a measure would greatly facilitate application of the Convention. WCO invited the secretariat to send a formal request asking for the assignment of relevant HS code numbers. A corresponding request was sent on 1 March 2000.
4. All applications seeking additions, deletions and changes to entries in the Harmonized System are considered in the first place by the Harmonized System Review Subcommittee, which meets twice a year. Recommendations are then submitted to the Harmonized System Committee for its approval before being sent to the Council for adoption. The Harmonized System Committee meets twice a year. A scientific subcommittee assists in the most technical work, in particular with questions involving the classification of chemical products, and meets generally once a year.
5. The preparatory process for the next set of amendments to the Harmonized System Nomenclature, which is expected to enter into force in 2007, has recently been completed. For amendments to enter into force on 1 January 2007, the WCO secretariat invited proposals and comments for the preparative process of the Harmonized System Committee.
6. The Intergovernmental Negotiating Committee, through the secretariat, has successfully worked together with WCO with the result that all chemicals in Annex III of the Convention are now included in the draft amendment which was considered by the Harmonized System Committee at its session in May 2004. During that session, the Committee adopted a draft Council recommendation containing all amendments to the Harmonized System which should come into effect as from 1 January 2007. This draft recommendation will be presented to the WCO Council in June 2004 for adoption. During a period of six months following that Council session, Harmonized System contracting parties can veto any of the proposed amendments. Following the addition of new chemicals to Annex III by the Conference of the Parties, these chemicals will be proposed to WCO for inclusion in the Harmonized System.
7. The relevant parts of the Council recommendation, as adopted by the WCO Council, will be made available to the Conference for information.
8. A draft decision encouraging WCO to assign specific Harmonized System custom codes to the chemicals listed in Annex III is set out in the annex to the present note.

Annex

Draft decision for consideration by the Conference of the Parties on encouraging the World Customs Organization to assign specific Harmonized System custom codes to the chemicals listed in Annex III of the Rotterdam Convention

The Conference of the Parties,

Recalling that, in article 13, paragraph 1, the Convention provides that the Conference of the Parties shall encourage the World Customs Organization to assign specific Harmonized System customs codes to the individual chemicals or groups of chemicals listed in Annex III, as appropriate, and that each Party shall require that, whenever a code has been assigned to such a chemical, the shipping document for that chemical bears the code when exported,

Noting that more chemicals will be added to Annex III in accordance with the procedures established by the Convention,

Noting with great appreciation the work already done by the World Customs Organization and the Intergovernmental Negotiating Committee,

1. *Welcomes* the cooperation between the secretariat of the Rotterdam Convention and the World Customs Organization;

2. *Encourages* the World Customs Organization to assign specific Harmonized System customs codes to the individual chemicals or groups of chemicals listed in Annex III, as appropriate;

3. *Reminds* each Party of its obligation under article 13, paragraph 1, of the Convention to require that, whenever a code has been assigned to such a chemical, the shipping document for that chemical bears the code when exported;

4. *Requests* the secretariat to continue to work with the secretariat of the World Customs Organization.
