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

First meeting
Geneva, 20-24 September 2004

Item 7 (c) of the provisional agenda*

**Matters stipulated by the Convention for action
by the Conference of the Parties: Non-compliance**

**Non-compliance:
reporting on the implementation of the Convention**

Note by the secretariat

1. The Intergovernmental Negotiating Committee at its ninth session invited the secretariat to prepare, for consideration at its tenth session, a draft decision of the first meeting of the Conference of the Parties on reporting and a questionnaire, reflecting the deliberations of the working group on compliance that considered the matter during the ninth session of the Committee. In pursuance of that decision, the secretariat submitted to the Committee at its tenth session a draft decision for the first meeting of the Conference of the Parties on reporting and a questionnaire as contained in the annex to document UNEP/PIC/INC/10/19.
2. The open-ended working group on compliance mechanisms and procedures reconvened at the tenth session of the Committee considered the document on reporting and the questionnaire. The group considered the document a useful basis for further work on the subject. The Committee, having noted the report of the working group, requested the secretariat to prepare a revised document on reporting and submit it to the Conference of the Parties at its first meeting. Following the meeting of the Committee at its tenth session, no further comments were received from Governments.
3. In accordance with the above-mentioned decision of the Committee, the secretariat has the honour to present in the annex to this note a draft decision of the first meeting of the Conference of the Parties on reporting and a questionnaire, which reflect the comments expressed at the open-ended working group on compliance mechanisms and procedures at the tenth session of the Committee.

* UNEP/FAO/PIC/COP.1/1.

Suggested action by the Conference of the Parties

4. The Conference of the Parties may wish to consider the draft decision and its appendix presented below for possible adoption at its first meeting.

Annex

Draft decision non-compliance: reporting on the implementation of the Convention

The Conference of the Parties,

Recalling paragraph 5 of Article 18, which stipulates that the Conference of the Parties must keep under continuous review and evaluation the implementation of the Convention,

Recalling also the functions of the secretariat set forth in the Convention, in particular in subparagraph 2 (a) of Article 19,

Noting the existence of a number of provisions in the Convention that require information to be submitted by Parties to the secretariat and *noting also* that there is no need to modify the application of, or to purport to amend, any of those provisions,

1. *Decides* that the secretariat shall prepare a report focusing in particular on the following three issues and shall submit that report to the Conference of the Parties at its second meeting and at each ordinary meeting thereafter:

(a) Compliance with the Convention: In that regard, the report should provide material that would assist:

- (i) Any discussions relating to Article 17 mechanisms and procedures;
- (ii) The work of any subsidiary body on compliance established by the Conference of the Parties pursuant to Article 17;

(b) Implementation of the Convention;

(c) Identification of areas in which assistance is required;

2. *Decides also* that the secretariat shall make available the report referred to in paragraph 1 above to the relevant subsidiary bodies;

3. *Invites* Parties to submit to the secretariat such information as may be considered useful for consideration by the Conference of the Parties, for it to keep under continuous review and evaluation the implementation of the Convention, as called for in paragraph 5 of Article 18 of the Convention, including, *inter alia*, relevant experiences gained by the respective Parties, in addition to the information which Parties have already been required to submit under the Convention;

4. *Further invites* Parties to submit the information referred to in paragraph 2 above at least once in every period between two ordinary meetings of the Conference of the Parties, and at least six months in advance of the meeting of the Conference of the Parties;

5. *Approves* the questionnaire presented in the appendix to the present decision for the purpose of facilitating submissions from Parties to the secretariat for the preparation of the report referred to in paragraph 1 above.

Appendix

Draft questionnaire

1. The following questionnaire is addressed to Parties to the Rotterdam Convention with a view to facilitating the submission by Parties to the secretariat of such information as may enhance the effectiveness of the continuous review and evaluation by the Conference of the Parties of the implementation of the Convention.

2. Each Party is invited to submit, as appropriate, information on the implementation of the articles of the Convention listed in Part A below, for the given reporting period, in response to the questions listed in Part B.

Part A. Relevant articles to which the questions listed in Part B apply

3. The Convention sets out a number of provisions that require Parties to undertake certain actions. Information on the progress or problems encountered by each Party or its relevant experience with regard to those provisions would help facilitate the understanding of relevant issues by the Conference of the Parties, when it undertakes the review and evaluation of the implementation of the Convention. In particular, the implementation of the following articles should be addressed:

- (a) The implementation of the procedures set forth in Articles 5, 6 and 9;
- (b) The implementation of the obligations, in relation to the import and export of chemicals listed in Annex III, required of Parties under Articles 10 and 11;
- (c) The implementation of Parties' obligations under Articles 12 and 13 concerning export notification and information to accompany exported chemicals;
- (d) The implementation of information exchange pursuant to paragraph 1 of Article 14. The scientific, technical, economic and legal information concerning the chemicals within the scope of the Convention, the publicly available information on domestic regulatory actions relevant to the objectives of the Convention and the information on domestic regulatory actions that substantively restrict one or more uses of the chemicals may be covered.
- (e) The implementation of Article 15 regarding the measures taken by Parties to establish and strengthen their national infrastructures and institutions for the effective implementation of the Convention and on cooperation between the Parties in the implementation of the Convention at the subregional, regional and global levels;
- (f) The implementation of Article 16 regarding the measures taken by Parties to cooperate in promoting technical assistance for the development of the infrastructure and the capacity needed to manage chemicals so as to enable implementation of the Convention, taking into account in particular the needs of developing countries and countries with economies in transition.

Part B. Questions

4. The following questions may be addressed with regard to the Party itself:
- (a) Is there any self-assessment carried out concerning the implementation of the articles?

- (b) What progress has been achieved in the implementation of the articles?
- (c) What are benchmarks or highlights of such progress?
- (d) What problems have been encountered or are foreseen in implementing the articles?
- (e) What are considered as the immediate or root causes of such problems?
- (f) What actions have been taken to address or rectify such problems?
- (g) If there was little or no action, what were the reasons for such limited action or lack of it?

5. With regard to the relationships between the Party and other Parties:

- (a) What actions of other Parties have facilitated the implementation of the articles within the Party, bearing in mind the need for Parties to cooperate in promoting technical assistance, in pursuance of Article 16?
- (b) What actions of other Parties have caused concerns in connection with the implementation of the articles by the Party?

6. With regard to the secretariat:

- (a) What actions of the secretariat have facilitated the implementation of the articles within the Party, taking into account its role to facilitate assistance to Parties, on request, in the implementation of the Convention?
- (b) What actions of the secretariat have caused concerns in connection with the implementation of the articles by the Party?

7. With regard to the Conference of the Parties or subsidiary bodies:

What are the views of the Party regarding the modalities of meetings of the Conference of the Parties or subsidiary bodies in connection with the implementation of the articles?
