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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  
Second meeting**

Rome, 27–30 September 2005

Item 5 (a) of the provisional agenda\*

**Implementation of the Rotterdam Convention:  
Status of implementation**

## **Status of implementation**

### **Note by the secretariat**

#### **Introduction**

1. The purpose of the present note is to provide the Conference of the Parties with information on the status of implementation of the Rotterdam Convention, as at 30 April 2005, as requested by the Conference of the Parties at its first meeting in September 2004. The information provided in the present note includes a summary of the information circulated to designated national authorities by the secretariat through the PIC Circular pursuant to articles 4–7, 10, 11 and 14 of the Convention. The PIC Circular is published every six months, in June and December. The present note includes information on the status of implementation for Parties and for participating States.<sup>1</sup> Also included is information relating to provisions in articles 12, 14 and 16, including activities of Parties which are not reported in the PIC Circular.

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\* UNEP/FAO/RC/COP.2/1.

<sup>1</sup> “Party” means a State or regional economic integration organization that has consented to be bound by this Convention and for which the Convention is in force. “Participating State” means a State or regional economic integration organization that is not a Party to the Convention, but that has nominated a designated national authority or authorities for the purpose of participating in the PIC procedure. The status of participating States was defined in decision RC 1/13A and B.

## I. Designated national authorities

2. Under paragraph 4 of article 4 of the Convention, the secretariat must inform the Parties of new designations or changes in designated national authorities.

3. As at 30 April 2005, there were 90 Parties to the Rotterdam Convention, which had designated a total of 143 national authorities. There were also 85 participating States, which had designated a total of 127 national authorities. The secretariat updates the list of designated national authorities as new designations and changes to existing designated national authorities are received and distributes the complete list with the PIC circular every six months. Updates are also made available via the Rotterdam Convention web site ([www.pic.int](http://www.pic.int)).

## II. Chemicals included in Annex III of the Rotterdam Convention and distribution of decision-guidance documents

4. Appendix III of the PIC Circular contains a list of chemicals that are currently included in Annex III of the Convention and the date of first dispatch of the corresponding decision guidance document to designated national authorities.

5. At its first meeting, in September 2004, the Conference of the Parties agreed to include 14 new chemicals in Annex III of the Convention. These new chemicals, along with the category under which they are included are presented in table 1. Decision-guidance documents for all of these chemicals were circulated to all Parties and participating States on 1 February 2005 together with a request for them to notify their decisions regarding future imports of these chemicals by 30 October 2005. Those import decisions will be reflected in the PIC Circular of December 2005. For parathion, tetraethyl lead and tetramethyl lead, this was the first time that the decision-guidance documents and request for a decision of future import of these chemicals had been circulated. Decision-guidance documents for the other 11 chemicals had previously been circulated under the interim prior informed consent procedure and a number of import responses had already been received. It was noted in the cover letter circulated with the decision-guidance documents that responses previously submitted under the interim prior informed consent procedure did not need to be resubmitted.

6. To date, 24 pesticides, 6 severely hazardous pesticide formulations and 11 industrial chemicals are listed in Annex III of the Convention and are therefore subject to the prior informed consent procedure.

**Table 1. Chemicals included in Annex III of the Rotterdam Convention by the Conference of the Parties at its first meeting.**

Chemical	CAS number	Category
Binapacryl	485-31-4	Pesticide
Dinitro- <i>ortho</i> -cresol (DNOC) and its salts (such as ammonium salt, potassium salt and sodium salt)	534-52-1 2980-64-5 5787-96-2 2312-76-7	Pesticide
Ethylene dichloride	107-06-2	Pesticide
Ethylene oxide	75-21-8	Pesticide
Monocrotophos	6923-22-4	Pesticide
Parathion	56-38-2	Pesticide
Toxaphene	8001-35-2	Pesticide
Dustable powder formulations containing a combination of: <ul style="list-style-type: none"> <li>• Benomyl at or above 7 per cent,</li> <li>• Carborfuran at or above 10 per cent, and</li> <li>• Thiram at or above 15 per cent</li> </ul>	17804-35-2 1563-66-2 137-26-8	Severely hazardous pesticide formulation
Asbestos <ul style="list-style-type: none"> <li>• Actinolite</li> <li>• Anthophyllite</li> </ul>	77536-66-4 66536-67-5	Industrial Industrial

Chemical	CAS number	Category
<ul style="list-style-type: none"> <li>• Amosite</li> <li>• Tremolite</li> </ul>	12172-73-5 77536-68-6	Industrial Industrial
Tetraethyl lead	78-00-2	Industrial
Tetramethyl lead	75-74-1	Industrial

### III. Notification of final regulatory action to ban or severely restrict a chemical

7. Under paragraph 3 of article 5 of the Convention, the secretariat is required to circulate summaries of notifications of final regulatory actions received, having verified whether the notification contains the information required under Annex I of the Convention. Under paragraph 4 of the same article, the secretariat must circulate a synopsis of the notifications of final regulatory actions which it has received, including information regarding those notifications that do not contain all the information required under Annex I of the Convention. Such summaries and synopses are communicated to Parties and participating States through the PIC Circular.

8. As at 30 April 2005, a total of 442 notifications for 201 chemicals had been submitted from Parties which were verified by the secretariat as having met the information requirements of Annex I. Of the 201 chemicals concerned, 160 are currently not subject to the prior informed consent procedure. Those chemicals will be candidates for further consideration once a second notification verified as meeting the information requirements of Annex I has been submitted from a second prior informed consent region. In addition, as at 30 April 2005, a total of four notifications for four chemicals had been submitted from participating States which were verified by the secretariat as having met the information requirements of Annex I. Of the four chemicals concerned, two are currently not subject to the prior informed consent procedure.

9. At its first meeting, the Chemical Review Committee considered 14 chemicals, where at least one notification had been received from at least two prior informed consent regions. As at 30 April 2005, there were two new candidate chemicals for consideration by the Chemical Review Committee at its second meeting.

### IV. Proposal for inclusion of severely hazardous pesticide formulations

10. Under paragraphs 2 and 3 of article 6 of the Convention, once the secretariat has verified that a submitted proposal for a severely hazardous pesticide formulation contains the information required in part 1 of Annex IV of the Convention, it must prepare a summary of the proposal and initiate collection of the information listed in part 2 of Annex IV. Summaries of the proposals verified as complete are circulated in appendix II of the PIC Circular.

11. Within the reporting period, 1 May 2004–30 April 2005, no proposals for severely hazardous pesticide formulations were submitted.

### V. Responses concerning future import of a chemical

12. Under paragraph 2 of article 10 of the Convention, for each chemical listed in Annex III each Party must transmit to the secretariat, as soon as possible, and in any event no later than nine months after the date of dispatch of the relevant decision guidance document, a response concerning the future import of the chemical concerned. Under paragraph 4 of the article, the response must consist of either a final decision or an interim response. Interim responses may include an interim decision regarding import. Under paragraph 2 of the article, if a Party modifies that response, the designated national authority must forthwith submit the revised response to the secretariat.

13. Under paragraph 4 of article 10, an interim response may include a request to the secretariat, or to the Party that notified the final regulatory action, for further information. During the reporting period, the secretariat received one request for further information under this article.

14. Under paragraph 10 of article 10, every six months the secretariat must inform all Parties of the responses received regarding future import, including a description of the legislative or administrative

measures on which the decisions have been based, where available. This is done through appendix IV of the PIC Circular. Also, any response listed in the PIC Circular that does not address importation is considered to be an interim response that does not contain an interim decision.

15. Table 2 below contains an overview of the level of import responses for all the chemicals included in Annex III submitted by Parties and by participating States as at 30 April 2005.

16. The first three columns of data present the number of import responses and the overall rate of import responses for those chemicals listed in Annex III of the Convention for which the decision-guidance documents were dispatched prior to September 1998, that is the chemicals which were included in Annex III of the Rotterdam Convention at its adoption in September 1998.

17. The next three columns of data present the number of import responses and the overall rate of response for those chemicals added during the interim prior informed consent procedure since September 1998 and included in Annex III of the Convention by the Conference of the Parties at its first meeting. Decision-guidance documents for these chemicals were formally dispatched in February 2005. For these chemicals, the response from Parties is not required until 30 October 2005.

18. For reporting purposes, the chemicals parathion, tetraethyl lead and tetramethyl lead have not been included in the table as February 2005 was the date of the first circulation of the decision guidance document and the request for a response relating to future import for these chemicals.

19. The table includes two rows of data, the first reporting the actual and percentage responses for Parties and the second reporting the actual and percentage responses for participating States. Only Parties for which the Convention has entered into force as at 30 April 2005 are included in the report as the import responses are not required from a Party until the date of entry into force of the Convention for that Party.

**Table 2. Overview of the number of importing country responses for all prior informed consent chemicals (as at 30 April 2005)**

	Decision-guidance documents dispatched prior to adoption of the Convention (September 1998)			Totals	Decision-guidance documents dispatch February 2005, after circulation during the interim period			Total
	Pesticide	Severely hazard. pest. form.	Industrial		Pesticide	Severely hazard. pest. form.	Industrial	
Parties	1161/1428 (81.3%)	278/420 (66.2%)	251/420 (59.8%)	1690/2268 (74.5%)	275/504 (54.6%)	32/84 (38%)	120/336 (35.7%)	427/924 (46.2%)
Part. States	702/1445 (48.6%)	96/425 (22.6%)	77/425 (18.1%)	875/2295 (38%)	60/510 (11.8%)	4/85 (4.7%)	12/340 (3.5%)	76/935 (8.1%)

\* The expected number of responses is calculated for all countries participating in the prior informed consent procedure at the time indicated for chemicals concerned in each column.

20. For chemicals included in Annex III prior to entry into force of the Convention, there were 1,690 responses, an overall response rate of 74.5 per cent, while for those chemicals added at the first meeting of the Conference of the Parties, for which a response is required by 30 October 2005, there were 427 responses, an overall response rate of 46 per cent, leading to an overall response rate for all of those chemicals of 66 per cent. A much lower percentage of responses have been received from participating States. Participating States are reminded that, as the transitional period ends on 24 February 2006, the PIC Circular published in December 2005 will be the final circular to include import responses from non-Parties.

21. It should be noted that, under article 10 of the Convention, obligations relating to the submission of import responses apply equally to all categories of chemicals subject to the prior informed consent procedure. Parties are obliged to submit import responses for all of those chemicals.

## VI. Export notification

22. Article 12, paragraph 1, states that, where a chemical that is banned or severely restricted by a Party is exported from its territory, that Party shall provide an export notification to the importing Party.

23. As this information is provided directly from the exporting Party to the importing Party, the secretariat does not have any information available on the status of implementation of article 12. Parties may wish to report to the Conference of the Parties at its second meeting on their experience with either sending or receiving export notifications.

## VII. Information exchange provisions

24. Under paragraph 1 of article 14, Parties are invited to facilitate: the exchange of information concerning chemicals within the scope of the Convention; the provision of publicly available information on domestic regulatory actions relevant to the objectives of the Convention; and the provision of information to other Parties, directly or through the secretariat, on domestic regulatory actions that substantially restrict one or more uses of the chemical, as appropriate.

25. During the reporting period, the secretariat received one request from a Party to supply information relating to domestic regulatory actions to other Parties. The information was included with the PIC Circular, which was sent to all designated national authorities. This was considered to be an efficient and effective way of ensuring that the information reached the appropriate individuals.

26. The secretariat has provided a facility on the Rotterdam Convention web site where information on alternatives to chemicals included in Annex III and national risk evaluations performed on chemicals included in Annex III may be posted. During the reporting period, no requests for additional evaluation or other information to be posted on the web site have been received.

27. Parties may wish to report to the second meeting of the Conference of the Parties their experience with the direct provision of information from other Parties. They may also wish to indicate the availability of information relating to alternatives to chemicals included in Annex III or national risk evaluations on chemicals included in Annex III.

## VIII. Information on transit movements

28. As at 30 April 2005, no Party had reported information to the secretariat on transit movements through its territory of chemicals subject to the interim prior informed consent procedure.

## IX. Technical assistance

29. Article 16 states:

“The Parties shall, taking into account in particular the needs of developing countries and countries with economies in transition, cooperate in promoting technical assistance for the development of the infrastructure and the capacity necessary to manage chemicals to enable implementation of this Convention. Parties with more advanced programmes for regulating chemicals should provide technical assistance, including training, to other Parties in developing their infrastructure and capacity to manage chemicals throughout their life-cycle.”

30. A report of the activities of the secretariat on technical assistance is available as document UNEP/FAO/RC/COP.2/12. Parties may wish to report on their experience in the implementation of article 16.