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INTERGOVERNMENTAL NEGOTIATING COMMITTEE FOR AN  
INTERNATIONAL LEGALLY BINDING INSTRUMENT FOR  
THE APPLICATION OF THE PRIOR INFORMED CONSENT  
PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND  
PESTICIDES IN INTERNATIONAL TRADE

Ninth session

Bonn, 30 September - 4 October 2002

Item 5 (d) of the provisional agenda\*

PREPARATION FOR THE CONFERENCE OF THE PARTIES

ASSIGNMENT OF SPECIFIC HARMONIZED SYSTEM CUSTOMS CODES

Note by the secretariat

1. Article 13, paragraph 1 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade provides as follows:

“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. 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. At its sixth session, the Intergovernmental Negotiating Committee invited the secretariat to report on progress made by the secretariats of the Montreal Protocol on Substances that Deplete the Ozone Layer and of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal in assigning Harmonized System (HS) customs codes. The two secretariats provided reports on their progress in and experiences with the use of HS customs codes, and these were reproduced for the Committee at its seventh session as annexes II and III to document UNEP/FAO/PIC/INC.7/INF/3.

\* UNEP/FAO/PIC/INC.9/1.

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3. At its sixth session, the Committee also invited the secretariat and the chair to initiate contacts with the World Customs Organization (WCO). The secretariat was requested also to report to the Committee at its seventh session on the outcome of those contacts.
4. In a letter dated 25 January 2000, WCO welcomed the provisions of article 13, paragraph 1 for specific customs codes to be assigned to individual chemicals listed in Annex III, expressed the opinion that such a measure would facilitate the application of the Convention greatly, and invited the secretariat to send a formal request to WCO for such HS code numbers to be assigned. That request was forwarded to WCO on 1 March 2000. In a letter dated 14 April 2000, WCO responded with an indicative list of HS code numbers for the chemicals listed in Annex III of the Convention. Also, at the seventh session of the Committee the representative of WCO gave a detailed presentation on the structure and functioning of the nomenclature applied within the Harmonized System of customs codes.
5. At its seventh session, the Committee requested the secretariat to continue to work with WCO and other relevant organizations in pursuance of article 13, paragraph 1 of the Rotterdam Convention to assign specific Harmonized System customs codes to the individual chemicals or groups of chemicals listed in Annex III to the Convention. The Committee agreed that such work should be completed in time to meet the 2007 deadline for the next set of amendments to the Harmonized System.
6. On 18 July 2001, the Executive Secretaries visited WCO headquarters in Brussels and met with the WCO secretariat. During that meeting, a possible approach was discussed that would allow for the assignment of specific Harmonized System customs codes for the chemicals listed in Annex III of the Convention.
7. At its eighth session, the Committee commended the secretariat on its work, welcomed the significant progress made on the complex issue of Harmonized System customs codes and requested the secretariat to continue to work with the WCO secretariat in that area. It also invited countries and regional economic integration organizations already dealing with the issue to share experiences and to work with the secretariat in order to develop the best possible proposals to meet the Convention's needs. The Committee agreed that work in this area should be based on table 1 of document UNEP/FAO/PIC/INC.8/18, which shows how the current Harmonized System of customs codes could be amended, but that it should also include any alternative approaches or views provided to the secretariat by representatives. No such alternative approaches or views had been received by the secretariat by the deadline for drafting this note.
8. After further consultations with the WCO Secretariat, on 7 May 2002 the Secretariat submitted to WCO the proposal contained in annex to this note.

## Annex

Table 1 - Chemicals in Annex III of the Convention

(Possible changes in **bold**)

Heading	H.S. Code	
25.24	2524.00	Asbestos
	<b>2524.01</b>	<b>Crocidolite</b>
28.05		Alkali or alkaline-earth metals; rare-earth metals, scandium and yttrium, whether or not intermixed or interalloyed; mercury.
	2805.40	Mercury
29.03		Halogenated derivatives of hydrocarbons
	<b>2903.31</b>	<b>1,2-Dibromoethane (EDB)</b>
	2903.51	1,2,3,4,5,6-Hexachlorocyclohexane ( <b>HCH</b> ) and lindane
	<b>2903.52</b>	<b>Aldrin, chlordane, heptachlor</b>
	2903.62	<b>Polybrominated biphenyls, polychlorinated biphenyls, polychlorinated terphenyls</b> , hexachlorobenzene and DDT (1,1,1-trichloro-2,2-bis(p-chlorophenyl)ethane
29.08		Halogenated, sulphonated, nitrated or nitrosated derivatives of phenols or phenol-alcohols
	<b>2908.11</b>	<b>Pentachlorophenol</b>
	<b>2908.30</b>	<b>Dinoseb</b>
29.10		Epoxides, epoxyalcohols, epoxyphenols and epoxyethers, with a three-membered ring, and their halogenated, sulphonated, nitrated or nitrosated derivatives.
	<b>2910.40</b>	<b>Dieldrin</b>
29.18		Carboxylic acids with additional oxygen function and their anhydrides, halides, peroxides and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives
	<b>2918.17</b>	<b>Chlorobenzilate</b>
	<b>2918.91</b>	<b>2,4,5-Trichlorophenoxyacetic acid</b>
29.19	2919.00	Phosphoric esters and their salts, including lactophosphates; their halogenated, sulphonated, nitrated or nitrosated derivatives

Heading	H.S. Code	
	<b>2919.10</b>	<b>Tris(2,3-dibromopropyl)phosphate</b>
29.24		Carboxamide-function compounds; amide-function compounds of carbonic acid
	<b>2924.12</b>	Fluoroacetamide
29.25		Carboximide-function compounds (including saccharine and its salts) and imine-function compounds
	<b>2925.21</b>	<b>Chlordimeform</b>
29.30		Organo-sulphur compounds
	<b>2930.50</b>	<b>Captafol</b>
38.08		Insecticides, rodenticides, fungicides, herbicides, anti-sprouting products and plant-growth regulators, disinfectants and similar products, put up in forms or packings for retail sale or as preparations or articles (for example, sulphur-treated bands, wicks and candles, and fly-papers).
	3808.10	Insecticides
	<b>3808.11</b>	<b>Containing aldrin, chlordane, chlordimeform, chlorobenzilate, DDT, dieldrin, 1,2-dibromoethane (EDB), HCH (mixed isomers), heptachlor, hexachlorobenzene, lindane, pentachlorophenol</b>
	<b>3808.12</b>	<b>Containing monocrotophos (Soluble liquid formulations of the substance that exceed 600 g active ingredient/l), methamidophos (Soluble liquid formulations of the substance that exceed 600 g active ingredient/l), phosphamidon (Soluble liquid formulations of the substance that exceed 1000 g active ingredient/l), methyl-parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient), parathion (all formulations - aerosols, dustable powder (DP), emulsifiable concentrate (EC), granules (GR) and wettable powders (WP) - of this substance are included, except capsule suspensions (CS))</b>
	3808.20	Fungicides
	<b>3808.21</b>	<b>Containing captafol</b>
	3808.30	Herbicides, anti-sprouting products and plant-growth regulators
	<b>3808.31</b>	<b>Containing 2,4,5-trichlorophenoxyacetic acid</b>
	3808.90	Other

Heading	H.S. Code	
	<b>3808.91</b>	<b>Containing fluoroacetamide</b>
	<b>3808.92</b>	<b>Containing mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl and aryl mercury compounds</b>

Table 2 – Chemicals added to the interim PIC procedure during the interim period.

(Possible changes in **bold**)

Heading	H.S. Code	
	*	<b>Binapacryl</b>
	<b>2903.51</b>	<b>Toxaphene</b>
	2903.15	Ethylene Dichloride
	2910.10	Ethylene Oxide

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\* **Binapacryl** [2-(1-methylpropyl)-4,6-dinitrophenyl-3-methyl-2-butenate (CAS)] could be inserted as a separate entry in one of a number of places, including under heading 29.16 (unsaturated acrylic monocarboxylic acids, cyclic monocarboxylic acids, their anhydrides, halides, peroxides, and peroxyacids; their halogenated, sulphonated, nitrated or nitrosated derivatives) or 29.08 (Halogenated, sulphonated, nitrated or nitrosated derivatives of phenols or phenol-alkaloids).