



ROTTERDAM
CONVENTION



Food and Agriculture
Organization of the
United Nations



THE ROTTERDAM CONVENTION AND ITS PRIOR INFORMED CONSENT (PIC) PROCEDURE

WHAT IS THE CONVENTION?

The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade is a global legally binding agreement that entered into force in 2004. Its objectives are to:

- **promote shared responsibility and cooperative efforts** among Parties in the international trade of certain chemicals in order to protect human health and the environment;
- **contribute to the environmentally sound use** of those hazardous chemicals by **facilitating information exchange** about their characteristics, including by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.

It provides countries with tools and information to prevent unwanted trade of certain hazardous chemicals through the legally binding Prior Informed Consent (PIC) procedure. At 13 March 2017 there are 157 Parties to the Convention, with 47 chemicals listed in the Annex III to the Convention and subject to the PIC procedure.

THE PLAYERS



Parties

Each Party must designate one or more **national authorities (DNAs)**, which are their main contact point and authorized to perform the administrative functions required by the Convention. Parties also designate **Official Contact Points (OCPs)** who communicate with the Secretariat on official issues.



Conference of the Parties (COP)

The Conference of the Parties is the governing body of the Convention, which reviews and evaluates the implementation of the Convention; and makes decisions regarding amendments to the Convention, including the addition of chemicals to Annex III. **All Parties have the right to be represented in meetings of the COP.**



Chemical Review Committee (CRC)

The Chemical Review Committee is a subsidiary body of the COP. Its members are government designated experts in chemicals management, who review notifications and proposals from Parties, and make recommendations to the COP on the addition of chemicals to Annex III.



Secretariat

The Secretariat makes administrative arrangements for meetings of the COP and subsidiary bodies; verifies information accompanying notifications and proposals; disseminates import responses and other information provided by the Parties; facilitates assistance to Parties, as well as information exchange between Parties; and fosters collaboration and cooperation with other international organizations. The Secretariat is provided jointly by the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Environment Programme.

HOW DOES THE CONVENTION WORK?

It is dynamic and has procedures for identifying hazardous chemicals to be added to Annex III to the Convention (known as "listing") and made subject to the PIC procedure. Listing chemicals in Annex III is **important to stimulate the exchange of information** on hazardous chemicals among the Parties. Sharing information with a view to protecting human health and the environment is a cornerstone of the Rotterdam Convention, of which there are 4 main elements:

- Final regulatory actions (procedures for banned or severely restricted chemicals);
- Severely hazardous pesticide formulations;
- Import responses in relation to chemicals listed in Annex III;
- Export notifications for chemicals listed in Annex III.

THE PROCEDURES UNDER THE CONVENTION THAT LEAD TO THE LISTING OF A CHEMICAL ALL BEGIN AND CULMINATE WITH DECISIONS TAKEN BY INDIVIDUAL PARTIES.



i) Final Regulatory Actions by Parties: Procedure for banned or severely restricted chemicals (Article 5):

A Party might adopt a final regulatory action (FRA) - a legislative or administrative measure to ban or severely restrict a chemical that does not require subsequent regulatory action. Parties notify the Secretariat of FRAs as soon as possible and in any event no later than 90 days after the date the FRA has taken effect. Notifications are one way to enable Parties to share information and possible lessons learned, as well as raise awareness of potential risks. The aim is to **share information related to decisions made by Parties about chemicals in order to protect human health and the environment**. The notification must contain the information required by Annex I to the Convention (properties, identification and uses of the chemical; final regulatory action). Every six months, the Secretariat sends in the PIC Circular a synopsis of all the information received, including notifications not containing the required information. When the Secretariat is notified of final regulatory actions

for the same chemical by Parties belonging to at least two different PIC Regions, it forwards the notifications to the Chemical Review Committee (CRC). This action, initiated by Parties, starts a process that could lead to listing of chemicals in Annex III.

More information on the procedure for transmission of final regulatory actions is available at: <http://www.pic.int/Procedures/NotificationsofFinalRegulatoryActions/tabid/1172/language/en-US/Default.aspx>

ii) Severely hazardous pesticide formulations (SHPF) (Article 6):

SHPF are chemicals formulated for pesticidal use that cause severe health or environmental effects that can be observed within a short period of time after single or multiple exposure under conditions of use. Only developing countries or countries with economies in transition may propose listing of an SHPF, providing specific documentation in part 1 of Annex IV. This gives a strong voice to developing country Parties and supports them in their efforts to manage the risks from pesticides, taking into account prevailing conditions within those countries.

The Secretariat forwards a summary of the information received to all Parties, encouraging information sharing. For those that do contain the required information, the Secretariat collects further information in part 2 of Annex IV (e.g. properties, information on incidents related to the formulation in other States, risk or hazard evaluations where available), then forwards the proposal and information to the CRC.

Further information on the procedure for transmission of SHPF proposals is available at: <http://www.pic.int/Procedures/SeverelyHazardousPesticideFormulations/tabid/1191/language/en-US/Default.aspx>

What is the process of listing in Annex III (Articles 5, 6, 7, 21 and 22)?

When the Secretariat has received at least one notification from two different PIC regions regarding a particular chemical or a proposal for listing an SHPF, it forwards these to the CRC, for it to review and consider recommending the chemical for inclusion in Annex III to the Convention. The CRC reviews the information against the criteria in Annex II or Annex IV. Members work through face-to-face meetings and electronically to prepare recommendations and information for the COP.

For each chemical that the CRC has decided to recommend for listing in Annex III, it must prepare a **draft decision guidance document**. The recommendation and draft decision guidance document are forwarded to the COP, which decides by consensus whether to list the chemical and approves the decision guidance document (DGD).

Amendments to list chemicals in Annex III enter into force for all Parties on a date specified in the decision adopted by COP.

Once a chemical is listed in Annex III, it is subject to the PIC procedure and each Party must decide about its future import and notify the Secretariat. DGDs can be a useful source of information to enable Parties to make an informed decision on whether to consent to imports and are available at: <http://www.pic.int/TheConvention/Chemicals/DecisionGuidanceDocuments/tabid/2413/language/en-US/Default.aspx>.

Listing a chemical in Annex III to the Rotterdam Convention is NOT a ban:

- It triggers a process that provides all Parties with information on certain hazardous chemicals whose use has been banned or severely restricted by some Parties; and
- It triggers a process for Parties to decide how they wish to manage imports of listed chemicals.

iii) Import responses in relation to chemicals listed in Annex III (Article 10):

The DGDs available under the Convention are intended to assist Parties to take informed decisions about whether to allow imports of the chemical. Once a chemical is listed, Parties need to transmit to the Secretariat a **response about future imports of the chemical**, as well as any revised response. Parties take legislative and administrative measures to ensure that they make timely decisions with respect to imports. Parties can provide either:

- A **final decision** (consent/not consent/consent only subject to specified conditions to import); or
- An **interim response** (interim decision consenting with or without conditions or not consenting during an interim period/final decision is under active consideration/request further information/request assistance in evaluating the chemical).

An online import response form and instructions can be accessed at:

<http://www.pic.int/Procedures/ImportResponses/FormandInstructions/tabid/1165/language/en-US/Default.aspx>

Parties also need to make their responses in relation to imports of chemicals listed in Annex III available to those concerned within its jurisdiction e.g. companies importing chemicals.

Every six months in the PIC Circular, the Secretariat informs Parties of the import responses that it has received. Exporting Parties are required to respect these decisions (Article 11) and not export chemicals to Parties not wishing to receive them.

iv) Export notifications of chemicals (Articles 11 and 13):

Parties from whose territory a **listed chemical** is exported (exporting Parties) must implement measures to communicate responses from importing Parties. They have to take measures to ensure that exporters within their jurisdiction comply with these no later than six months after the date on which the Secretariat informed Parties of responses. Exporting Parties advise and assist importing Parties on request and as appropriate.

If, in exceptional circumstances, an importing Party has not transmitted an import response, exporting Parties must ensure that such a chemical is not exported from their territories to that Party, unless in certain limited circumstances.

More information can be obtained at the following address:

<http://www.pic.int/Procedures/ExportNotifications/FormandInstructions/tabid/1365/language/en-US/Default.aspx>

BENEFITS AND OPPORTUNITIES:

The Convention provides:

- **Early warning system:** The list of chemicals and pesticides that are subject to the legally binding PIC Procedure. This is not a “Black list” but rather a “watch list” of industrial chemicals, pesticides and severely hazardous pesticide formulations, whose use should be carefully considered and whose import needs to be agreed.
- **Shared responsibility:** Facilitates international cooperation and information sharing to support policy makers in their assessments of the benefits of chemicals; the risks that they pose to human health and the environment on the basis of scientific data; and of trade in such chemicals.
- **Informed decision making:** Enables Parties to have access to information and be alerted to potential risks to health and the environment caused by certain hazardous chemicals and pesticides – this enables them to take any regulatory actions at the national level that they feel may be needed.
- That **stakeholders have access to information** on hazardous chemicals and pesticides. Stakeholders, particularly in developing countries and countries with economies in transition, need to know if what they are using is dangerous and can benefit from being informed of what affordable alternatives may be available. The emphasis on public education under the Convention means that general knowledge of the safe management of chemicals and pesticides should grow over time, thus reducing accidents and illnesses. Parties can also benefit from information about the affordable alternatives that may be available.
- **Technical assistance** is available to support developing countries and countries with economies in transition in building capacity (human resources, policy, legal and institutional frameworks) necessary to safely manage chemicals. More developed Parties provide advice and training

Further information is available on the Convention website at:

www.pic.int

HOW INFORMATION EXCHANGE AND THE PIC PROCEDURE WORK

STEP 1

INFORMATION EXCHANGE (BEFORE LISTING)

- Notification of final regulatory action to ban or severely restrict a chemical (PARTIES)
- Proposal on severely hazardous pesticide formulation causing problems under condition of use (PARTIES)

- Export notification (PARTIES)



STEP 2

PRIOR INFORMED CONSENT PROCEDURE

- Review of information provided, recommendation to list chemical in Annex III and preparation of draft decision guidance document (DGD) (CHEMICAL REVIEW COMMITTEE)



- Decision to make a chemical subject to the PIC Procedure and list in Annex III, approval of DGD (COP)
- Circulation of DGD to all Parties (SECRETARIAT)

STEP 3



- Importing Party responds regarding future import of each chemical (PARTIES)
- Circulation of import responses to all Parties (SECRETARIAT)

STEP 4



- Follow up on importing Party obligations (PARTIES)
- Follow up on exporting Party obligations (PARTIES)