



# Book - Unit 2 - Main Provisions of the Rotterdam Convention

Book - Unit 2 - Main Provisions of the Rotterdam Convention

Site: UNITED NATIONS INFORMATION PORTAL ON MULTILATERAL ENVIRONMENTAL AGREEMENTS  
Course: Introductory Course to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade  
Book: Book - Unit 2 - Main Provisions of the Rotterdam Convention

# Table of contents

1. The Prior Informed Consent procedure
  - Stage 1: Import Responses
  - Stage 2: Follow up on importing and exporting Party responsibilities
3. The listing of chemicals in Annex III of the Convention
  - Procedure
2. The Export Notification procedure
  - Stage 1: Export Notification
  - Stage 2: Acknowledgment of Receipt

# 1. The Prior Informed Consent procedure

The PIC procedure, along with information exchange, is one of the key provisions of the Rotterdam Convention. It consists of a mechanism for formally obtaining and disseminating the decisions of importing Parties as to whether they wish to receive future shipments of those chemicals listed in Annex III of the Convention and for ensuring compliance with these decisions by exporters. The PIC procedure only applies to the export and import of chemicals listed in Annex III.

The Convention stipulates 2 key stages; (1) Import Responses and; (2) follow up Parties' responsibilities.

## Stage 1: Import Responses

Once the chemical is listed in Annex III, thereby becoming subject to the PIC procedure, Parties, through their Designated National Authority (DNA), individually pronounce themselves about the future import of the specific chemical. Parties are required to take a decision as to whether they will allow future import of each of the chemicals in Annex III. The decision may be interim or final and contain a refusal, consent or consent with conditions.

These decisions, known as Import Responses, are published by the Secretariat and made available to all Parties every six months through the PIC Circular and on the Convention's website in the section Import Responses. This way, Parties are informed prior to an export as to whether or not an import has been consented to or not.

Import decisions taken by Parties must be trade neutral. This means that if the Party decides not to accept imports of a specific chemical, it must also stop domestic production of the chemical for domestic use and refuse imports from any source, including from countries that are not Party to the Convention.

## Stage 2: Follow up on importing and exporting Party responsibilities

Importing Parties are expected to immediately disseminate their Import Response published in the PIC Circular to those concerned within their national jurisdiction, namely all relevant agencies that may be involved in the regulation, production and trade of chemicals in the country, e.g. government departments, manufacturers, export industries, department of customs, etc. Similarly, exporting Parties are to communicate Import Responses to those concerned in their jurisdiction and to take the necessary measures to ensure that exporters within their jurisdiction comply with these.

Unlike the Basel Convention however, the Rotterdam Convention does not provide for specific consequences in case the export or import is undertaken contrary to the Import Response, and it is up to each Party to consider providing for such consequences in its national legal framework.

### 3. The listing of chemicals in Annex III of the Convention

There are two principal means through which new chemicals are identified for inclusion in Annex III of the Convention. These are:

1. Notification by Parties of final regulatory actions to ban or severely restrict a chemical for health or environmental concerns; – The obligations of Parties and the process for submissions and review of notifications of final regulatory actions are contained in Article 5 of the Convention. Annex I of the Convention details the information requirements and, Annex II the criteria to be considered by the Chemical Review Committee in reviewing candidate chemicals for inclusion in Annex III of the Convention.
2. A proposal from a Party which is a developing country or a country with an economy in transition that is experiencing human health or environmental problems with a severely hazardous pesticide formulation (SHPF) under the conditions of use in its territory; – The obligations of Parties and the process for the submission of proposals for SHPFs are contained in Article 6 of the Convention. Parts 1 and 3 of Annex IV of the Convention detail respectively the relevant supporting information required and the criteria considered by the Chemical Review Committee in reviewing candidate formulations for inclusion in Annex III of the Convention.

## Procedure

The notification or proposal is verified by the Secretariat. If the notification or proposal meets the information requirements, a draft summary is prepared and published in the PIC Circular. Once the Secretariat has received two notifications for the same chemical verified as complete from at least two of the seven PIC Regions, the notifications and the supporting documentation are forwarded to the Chemicals Review Committee (CRC) for consideration.

With respect to a proposal for SHPF, the proposal and additional information collected by the Secretariat are forwarded to the CRC for consideration. If the CRC considers that the information in support of a banned or severely restricted chemical or a severely hazardous pesticide formulation meets the relevant information requirements and criteria set out in the Convention, it will recommend the inclusion of the chemical in Annex III of the Convention to the COP and initiate preparation of a draft decision guidance document (DGD).

In line with Article 7 and Article 22 of the Convention, the Conference of the Parties (COP) will decide whether or not to include a chemical in Annex III of the Convention and, if so, to approve the draft decision guidance document. It is worth noting that the decision to include a chemical in Annex III is to be adopted by consensus and that this decision is legally binding for all Parties. Once a decision to include a chemical in Annex III of the Convention has been adopted, the Secretariat will circulate the decision and the approved decision guidance document to all Parties with a request that they provide a decision on future imports of the chemical.

## 2. The Export Notification procedure

The Convention stipulates at its article 12 an Export Notification procedure for the other chemicals banned or severely restricted by an exporting Party yet not listed in Annex III, namely not subject to the PIC procedure.

## Stage 1: Export Notification

The DNA of the exporting Party planning to export chemicals banned or severely restricted in its territory shall prior provide an Export Notification to the importing Party. It shall contain all the information requirements specified in Annex V of the Convention.

## Stage 2: Acknowledgment of Receipt

The DNA of the importing Party has the obligation to acknowledge receipt of the export notification within 30 days. If it fails, the exporting Party shall submit a second notification.

The standard form and instructions are available on the Convention website.