Annex 8.1 Contents of a Decision Guidance Document (DGD)

Purpose of the Decision Guidance Document

For each chemical included in the PIC procedure (Annex III of the Rotterdam Convention) a decision guidance document (DGD) must be approved by the Conference of the Parties (COP). Decision guidance documents are sent to all Parties with a request that they provide a decision regarding future import of the chemical. They are intended to help governments, while taking into account local conditions, to assess the risks connected with the handling and use of the chemical so as to enable them to make informed decisions about future import of that chemical.

The DGD is prepared by the Chemical Review Committee (CRC), which is a group of government-designated experts, established in line with Article 18 of the Convention, who evaluate candidate chemicals for possible inclusion in the Convention. The DGD for a banned or severely restricted chemical reflects the information provided by two or more Parties in support of the national regulatory actions to ban or severely restrict the chemical. In the case of a severely hazardous pesticide formulation, the focus of the DGD will be on information about the conditions of use and the incident(s) (human health or environmental) that led to the inclusion of the pesticide formulation in the PIC procedure.

The DGD reflects the information provided by two or more Parties in support of the national regulatory actions to ban or severely restrict the chemical. It is not intended as the only source of information on a chemical nor is it updated or revised following its adoption by the Conference of the Parties.

There may be additional Parties that have taken regulatory actions to ban or severely restrict the chemical as well as others that have not banned or severely restricted it. Such risk evaluations or information on alternative risk mitigation measures submitted by Parties may be found on the Rotterdam Convention web site (www.pic.int).

Under Article 14 of the Convention, Parties can exchange scientific, technical, economic and legal information concerning the chemicals under the scope of the Convention including toxicological, ecotoxicological and safety information. This information may be provided directly to other Parties or through the Secretariat. Information provided to the Secretariat will be posted on the Rotterdam Convention website.

Information on the chemical may also be available from other sources.

Part 1 of this Annex provides a description and brief explanation of the information elements of a DGD as they relate to a banned or severely restricted (BSR) chemical. **Part 2** provides a description and brief explanation of the information elements of a DGD as they relate to a severely hazardous pesticide formulation (SHPF).

Part 1. Information elements for DGDs for a banned or severely restricted chemical

1. Identification and uses

This section provides unequivocal identification of the chemical subject to the PIC procedure and its use as either a pesticide or an industrial chemical, or both.

The information provided includes the relevant Chemical Abstract Service number (CAS No.), IUPAC name, common name as well as an indicative list of trade name(s) and formulation types, basic manufacturers and use(s) of the chemical.

2. Reasons for inclusion in the PIC procedure

This section provides a clear statement which identifies the reason why the chemical was made subject to the PIC procedure and the category (pesticide or industrial chemical). It also includes a brief statement or summary of the final regulatory action reported by the notifying countries, the reasons for the actions taken (e.g human health or environmental concerns) and a brief summary of the key reported findings of the national risk evaluations that led to the regulatory actions.

3. Protective measures that have been applied concerning the chemical

This section records measures that have been applied to protect either people or the environment from the risks

posed by the chemical. This may include information on protective clothing, equipment that should be used or precautionary directions that would minimize risk of exposure to the chemical.

Where information is available concerning possible alternatives it is included here. However, it is not feasible for the DGD to contain a comprehensive list of specific pest/crop complexes and recommended pesticides or non-chemical alternatives (particularly for pesticides that have a broad spectrum of activity) as the available alternatives are constantly evolving. Notifying countries may provide information about chemical and non-chemical alternatives used within their jurisdiction, which can be included in Annex 2 of the DGD.

Where notifying counties have undertaken specific studies on the social and economic effects related to their final regulatory actions, these will be included.

4. Hazards and risks to human health and/or the environment

This section provides a brief summary of internationally recognized classifications (such as IARC and/or WHO/IPCS) applied to the chemical(s) for which the DGD has been prepared. The USEPA and European Community classification systems may be included since they are widely used by many countries as a reference.

A brief summary of internationally recognized exposure limits applied to the chemical(s) may also be included. The focus is on those exposure limits that are internationally recognized, e.g. Codex levels in food, WHO drinking water guidelines, etc. Occupational exposure limits, such as threshold limit values (TLVs) for pesticides, are not included mainly because of the widely differing ways in which they may be calculated. Similarly, national standards are not generally included as their applicability to other countries is limited, without a good understanding of how the limits were derived. Such information from notifying countries may be included in Annex 2 of the DGD if it is felt appropriate and necessary.

Where available, reference is made to international standards for packaging and labelling of the chemical, such as those established by the United Nations Committee of Experts on the Transport of Dangerous Goods, the Globally Harmonized System of Classification and Labelling of Chemicals (if used), the International Maritime Dangerous Goods Code, etc.

Poisoning symptoms are detailed and internationally recognized information on the treatment of chemical poisoning available at the time of publication of the DGD is described.

Waste management information is also given on how best to dispose of any waste chemical and the precautions to be taken by workers undertaking these operations.

Annexes

Annex I Further information on the chemical

This annex provides an overall summary of information on the chemical for which the reported regulatory actions have been taken, including chemical and physical properties such as solubility, vapour pressure, melting and boiling points and the chemical's flammability and reactivity. The results of toxicological and ecotoxicity studies that were the basis for the risk evaluation(s) are also briefly described.

If available, relevant exposure information related to food consumption, occupational exposure and environmental exposure is provided.

The results of international reviews, such as those of WHO/IPCS/JMPR/IARC, are also included where available and considered relevant.

Annex II Details on final regulatory actions

Details of the final regulatory actions to ban or severely restrict the chemical by the notifying countries are provided.

Annex III Addresses of designated national authorities (DNAs)

The contact details for the DNAs of the notifying governments are provided to enable other countries to seek further information, if required. There may also be information on risk management approaches that reduced the risks to an acceptable level, allowing continued use of the chemical, e.g. a change in the formulation of the product or restrictions on access to the chemical to certain trained or certified users, information on alternatives as well as national occupational exposure limits.

Annex IV References

References used and consulted in the compilation of the DGD are listed.

Part 2. Information elements for DGDs for a severely hazardous pesticide formulation (SHPF)

Severely hazardous pesticide formulations enter the PIC procedure after a developing country, or a country with an economy in transition, has proposed it for inclusion due to its health or environmental problems under conditions of use. Therefore, there may not be any recorded final regulatory actions taken by any countries. These differences are reflected in the information contained in the DGD.

1. Identification

This section identifies the specific pesticide formulation(s) subject to the PIC procedure. As a minimum this should include the type of formulation, concentration of the individual active ingredients and, for each active ingredient, the relevant Chemical Abstract Service number (CAS No.), IUPAC name and common name. Information on trade names and producers is also included.

2. Reason for inclusion in the PIC procedure

This section identifies the category in which the chemical is included in the PIC procedure, the specific formulation concerned and the country where the reported incidents occurred.

3. Description of common and recognized pattern of use of the formulation in the reporting country

This section provides a clear description of how the formulation is typically used in the reporting country. It is a key section of the DGD as it will help countries that use the formulation to determine how closely the reported incident reflects their own patterns of use. It describes the permitted uses of the formulation in the reporting country, as well as how the formulation is typically used, particularly where such use differs from the officially permitted uses. Any restrictions on handling or use, and the availability or applicability of protective clothing, are also included.

4. Description of the incident(s), including adverse effects and way in which the formulation was used

This section briefly describes the incident including: where the incident occurred, how widespread it was (e.g. number of people or animals affected), the application method, route of exposure and the conditions of use when the incident occurred. The adverse effects are described and how they relate to what is known of the toxicological or ecotoxicological properties of the active ingredient(s) in the formulation.

5. Any regulatory, administrative or other measures taken, or intended to be taken, by the country in response to the incidents

This section should briefly outline any administrative or regulatory action that may have been taken by the reporting country in response to the incidents.

6. WHO hazard classification of the formulation

This section provides an internationally recognized baseline from which countries can better understand the potential concerns about the formulation in question relative to others that they may be using.

7. Alternative pest-control practices

Where information is available concerning possible alternatives it is included here. However, it is not feasible for the DGD to contain a comprehensive list of specific pest/crop complexes and recommended pesticides or non-chemical alternatives (particularly for pesticides that have a broad spectrum of activity) since the available alternatives are constantly evolving.

Where available, information on the pests controlled by the severely hazardous formulation in the proposing is provided. This may facilitate the identification of alternatives.

Annexes

Annex I Rationale for the Chemical Review Committee's recommendation to include the severely hazardous formulation in the PIC procedure

This section contains the rationale prepared by the Chemical Review Committee in support of its recommendation to include the severely hazardous formulation in Annex III of the Convention. It represents the conclusions of the Committee after reviewing all the information made available to it (as set out in Parts 1 and 2 of Annex IV of the Convention) in the light of the criteria in Part 3 of Annex IV.

Annex II Information on the incident from the incident report form

This section includes a summary of the information contained in the incident report forms considered by the Chemical Review Committee. The contact details of the DNA in the reporting country are also included.

Annex III Safety data sheets on pesticide active ingredients

The relevant data sheets for each of the active ingredients included in the severely hazardous formulations are included in their entirety. They include a brief summary of a broad range of information on the chemicals.

Annex 8.2 Contents of a PIC Circular

The PIC Circular contains the following information:

Appendix I: New notifications of banned or severely restricted chemicals

– Summaries of notifications of final regulatory action to ban or severely restrict a chemical received since the previous PIC Circular was published. Appendix I is divided into three parts: Part A includes notifications that have been verified as containing the information required by Annex I of the Convention; Part B lists notifications which do not contain all information required by Annex I of the Convention; as well as a separate listing of notifications in Part C that have yet to be verified by the Secretariat.

Appendix II: Pesticide formulations causing problems under conditions of use

– **Summaries of proposals for inclusion of severely hazardous pesticide formulations** received in the last six months. These include proposals that have been verified as containing the information required by Annex IV of the Convention as well as a separate listing of proposals that have yet to be verified as containing the information required by Part 1 of Annex IV of the Convention.

Appendix III: List of the chemicals listed in Annex III of the Convention and subject to the PIC procedure

– A listing of **chemicals currently listed in Annex III of the Convention and subject to the PIC procedure** with indication of the date when each of the DGDs were first dispatched. (Note: DGDs are circulated separately to the PIC Circular).

Appendix IV: Import decisions of participating countries

– This Appendix starts with an overview of import responses received since the previous PIC Circular was published. It further contains a compilation of all importing country responses received from Parties for each of the chemicals that are subject to the PIC procedure. It also includes listings of cases where there has been a failure to transmit a response.

Appendix V: Tabular summary of notifications received

– A tabular summary of all the chemicals for which notifications of final regulatory actions have been verified by the Secretariat to meet the information requirements of Annex I of the Convention, including a reference to the PIC Circular in which the summary of the notification was published.

In addition the PIC Circular may also contain other relevant information such as:

– information on the implementation of decisions taken by COP which are relevant to the operation of the Convention;

– status of ratification;

– any requests by countries for information exchange on domestic regulatory action and on-transit movements of chemicals through their territory;

– a listing of Documents that are available relevant to the implementation of the Rotterdam Convention;

– a current list of **Designated National Authorities** (DNAs) including newly notified DNAs, and changes in the nominated person(s) and/or changes in their contact details.

Annex 8.3 Text of the Convention (Revised in 2005)

ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE

The Parties to this Convention,

Aware of the harmful impact on human health and the environment from certain hazardous chemicals and pesticides in international trade,

Recalling the pertinent provisions of the Rio Declaration on Environment and Development and chapter 19 of Agenda 21 on "Environmentally sound management of toxic chemicals, including prevention of illegal international traffic in toxic and dangerous products",

Mindful of the work undertaken by the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization of the United Nations (FAO) in the operation of the voluntary Prior Informed Consent procedure, as set out in the UNEP Amended London Guidelines for the Exchange of Information on Chemicals in International Trade (hereinafter referred to as the "Amended London Guidelines") and the FAO International Code of Conduct on the Distribution and Use of Pesticides (hereinafter referred to as the "International Code of Conduct"),

Taking into account the circumstances and particular requirements of developing countries and countries with economies in transition, in particular the need to strengthen national capabilities and capacities for the management of chemicals, including transfer of technology, providing financial and technical assistance and promoting cooperation among the Parties,

Noting the specific needs of some countries for information on transit movements,

Recognizing that good management practices for chemicals should be promoted in all countries, taking into account, *inter alia*, the voluntary standards laid down in the International Code of Conduct and the UNEP Code of Ethics on the International Trade in Chemicals,

Desiring to ensure that hazardous chemicals that are exported from their territory are packaged and labelled in a manner that is adequately protective of human health and the environment, consistent with the principles of the Amended London Guidelines and the International Code of Conduct,

Recognizing that trade and environmental policies should be mutually supportive with a view to achieving sustainable development,

Emphasizing that nothing in this Convention shall be interpreted as implying in any way a change in the rights and obligations of a Party under any existing international agreement applying to chemicals in international trade or to environmental protection,

Understanding that the above recital is not intended to create a hierarchy between this Convention and other international agreements,

Determined to protect human health, including the health of consumers and workers, and the environment against potentially harmful impacts from certain hazardous chemicals and pesticides in international trade,

Have agreed as follows:

Article 1

Objective

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

Article 2

Definitions

For the purposes of this Convention:

(a) "Chemical" means a substance whether by itself or in a mixture or preparation and whether manufactured or obtained from nature, but does not include any living organism. It consists of the following categories: pesticide (including severely hazardous pesticide formulations) and industrial;

(b) "Banned chemical" means a chemical all uses of which within one or more categories have been

prohibited by final regulatory action, in order to protect human health or the environment. It includes a chemical that has been refused approval for first-time use or has been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process and where there is clear evidence that such action has been taken in order to protect human health or the environment;

(c) "Severely restricted chemical" means a chemical virtually all use of which within one or more categories has been prohibited by final regulatory action in order to protect human health or the environment, but for which certain specific uses remain allowed. It includes a chemical that has, for virtually all use, been refused for approval or been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process, and where there is clear evidence that such action has been taken in order to protect human health or the environment;

(d) "Severely hazardous pesticide formulation" means a chemical formulated for pesticidal use that produces severe health or environmental effects observable within a short period of time after single or multiple exposure, under conditions of use;

(e) "Final regulatory action" means an action taken by a Party, that does not require subsequent regulatory action by that Party, the purpose of which is to ban or severely restrict a chemical;

(f) "Export" and "import" mean, in their respective connotations, the movement of a chemical from one Party to another Party, but exclude mere transit operations;

(g) "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;

(h) "Regional economic integration organization" means an organization constituted by sovereign States of a given region to which its member States have transferred competence in respect of matters governed by this Convention and which has been duly authorized, in accordance with its internal procedures, to sign, ratify, accept, approve or accede to this Convention;

(i) "Chemical Review Committee" means the subsidiary body referred to in paragraph 6 of Article 18.

Article 3

Scope of the Convention

1. This Convention applies to:

   (a) Banned or severely restricted chemicals; and

   (b) Severely hazardous pesticide formulations.

2. This Convention does not apply to:

   (a) Narcotic drugs and psychotropic substances;

   (b) Radioactive materials;

   (c) Wastes;

   (d) Chemical weapons;

   (e) Pharmaceuticals, including human and veterinary drugs;

   (f) Chemicals used as food additives;

   (g) Food;

   (h) Chemicals in quantities not likely to affect human health or the environment provided they are imported:

   (i) For the purpose of research or analysis; or

   (ii) By an individual for his or her own personal use in quantities reasonable for such use.

Article 4

Designated national authorities

1. Each Party shall designate one or more national authorities that shall be authorized to act on its behalf in the performance of the administrative functions required by this Convention.

2. Each Party shall seek to ensure that such authority or authorities have sufficient resources to perform their tasks effectively.

3. Each Party shall, no later than the date of the entry into force of this Convention for it, notify the name and address of such authority or authorities to the Secretariat. It shall forthwith notify the Secretariat of any changes in the name and address of such authority or authorities.

4. The Secretariat shall forthwith inform the Parties of the notifications it receives under paragraph 3.

Article 5

Procedures for banned or severely restricted chemicals

1. Each Party that has adopted a final regulatory action shall notify the Secretariat in writing of such action. Such notification shall be made as soon as possible, and in any event no later than ninety days after the date on which the final regulatory action has taken effect, and shall contain the information required by Annex I, where available.

2. Each Party shall, at the date of entry into force of this Convention for it, notify the Secretariat in writing of its final regulatory actions in effect at that time, except that each Party that has submitted notifications of final regulatory actions under the Amended London Guidelines or the International Code of Conduct need not resubmit those notifications.

3. The Secretariat shall, as soon as possible, and in any event no later than six months after receipt of a notification under paragraphs 1 and 2, verify whether the notification contains the information required by Annex I. If the notification contains the information required, the Secretariat shall forthwith forward to all Parties a summary of the information received. If the notification does not contain the information required, it shall inform the notifying Party accordingly.

4. The Secretariat shall every six months communicate to the Parties a synopsis of the information received pursuant to paragraphs 1 and 2, including information regarding those notifications which do not contain all the information required by Annex I.

5. When the Secretariat has received at least one notification from each of two Prior Informed Consent regions regarding a particular chemical that it has verified meet the requirements of Annex I, it shall forward them to the Chemical Review Committee. The composition of the Prior Informed Consent regions shall be defined in a decision to be adopted by consensus at the first meeting of the Conference of the Parties.

6. The Chemical Review Committee shall review the information provided in such notifications and, in accordance with the criteria set out in Annex II, recommend to the Conference of the Parties whether the chemical in question should be made subject to the Prior Informed Consent procedure and, accordingly, be listed in Annex III.

Article 6

Procedures for severely hazardous pesticide formulations

1. Any Party that is a developing country or a country with an economy in transition and that is experiencing problems caused by a severely hazardous pesticide formulation under conditions of use in its territory, may propose to the Secretariat the listing of the severely hazardous pesticide formulation in Annex III. In developing a proposal, the Party may draw upon technical expertise from any relevant source. The proposal shall contain the information required by part 1 of Annex IV.

2. The Secretariat shall, as soon as possible, and in any event no later than six months after receipt of a proposal under paragraph 1, verify whether the proposal contains the information required by part 1 of Annex IV. If the proposal contains the information required, the Secretariat shall forthwith forward to all Parties a summary of the information received. If the proposal does not contain the information required, it shall inform the proposing Party accordingly.

3. The Secretariat shall collect the additional information set out in part 2 of Annex IV regarding the proposal forwarded under paragraph 2.

4. When the requirements of paragraphs 2 and 3 above have been fulfilled with regard to a particular severely hazardous pesticide formulation, the Secretariat shall forward the proposal and the related information to the Chemical Review Committee.

5. The Chemical Review Committee shall review the information provided in the proposal and the additional information collected and, in accordance with the criteria set out in part 3 of Annex IV, recommend to the Conference of the Parties whether the severely hazardous pesticide formulation in question should be made subject to the Prior Informed Consent procedure and, accordingly, be listed in Annex III.

Article 7

Listing of chemicals in Annex III

1. For each chemical that the Chemical Review Committee has decided to recommend for listing in Annex III, it shall prepare a draft decision guidance document. The decision guidance document should, at a minimum, be based on the information specified in Annex I, or, as the case may be, Annex IV, and include

information on uses of the chemical in a category other than the category for which the final regulatory action applies.

2. The recommendation referred to in paragraph 1 together with the draft decision guidance document shall be forwarded to the Conference of the Parties. The Conference of the Parties shall decide whether the chemical should be made subject to the Prior Informed Consent procedure and, accordingly, list the chemical in Annex III and approve the draft decision guidance document.

3. When a decision to list a chemical in Annex III has been taken and the related decision guidance document has been approved by the Conference of the Parties, the Secretariat shall forthwith communicate this information to all Parties.

Article 8

Chemicals in the voluntary Prior Informed Consent procedure

For any chemical, other than a chemical listed in Annex III, that has been included in the voluntary Prior Informed Consent procedure before the date of the first meeting of the Conference of the Parties, the Conference of the Parties shall decide at that meeting to list the chemical in Annex III, provided that it is satisfied that all the requirements for listing in that Annex have been fulfilled.

Article 9

Removal of chemicals from Annex III

1. If a Party submits to the Secretariat information that was not available at the time of the decision to list a chemical in Annex III and that information indicates that its listing may no longer be justified in accordance with the relevant criteria in Annex II or, as the case may be, Annex IV, the Secretariat shall forward the information to the Chemical Review Committee.

2. The Chemical Review Committee shall review the information it receives under paragraph 1. For each chemical that the Chemical Review Committee decides, in accordance with the relevant criteria in Annex II or, as the case may be, Annex IV, to recommend for removal from Annex III, it shall prepare a revised draft decision guidance document.

3. A recommendation referred to in paragraph 2 shall be forwarded to the Conference of the Parties and be accompanied by a revised draft decision guidance document. The Conference of the Parties shall decide whether the chemical should be removed from Annex III and whether to approve the revised draft decision guidance document.

4. When a decision to remove a chemical from Annex III has been taken and the revised decision guidance document has been approved by the Conference of the Parties, the Secretariat shall forthwith communicate this information to all Parties.

Article 10

Obligations in relation to imports of chemicals listed in Annex III

1. Each Party shall implement appropriate legislative or administrative measures to ensure timely decisions with respect to the import of chemicals listed in Annex III.

2. Each Party shall transmit to the Secretariat, as soon as possible, and in any event no later than nine months after the date of dispatch of the decision guidance document referred to in paragraph 3 of Article 7, a response concerning the future import of the chemical concerned. If a Party modifies this response, it shall forthwith submit the revised response to the Secretariat.

3. The Secretariat shall, at the expiration of the time period in paragraph 2, forthwith address to a Party that has not provided such a response, a written request to do so. Should the Party be unable to provide a response, the Secretariat shall, where appropriate, help it to provide a response within the time period specified in the last sentence of paragraph 2 of Article 11.

4. A response under paragraph 2 shall consist of either:

(a) A final decision, pursuant to legislative or administrative measures:

(i) To consent to import;

(ii) Not to consent to import; or

(iii) To consent to import only subject to specified conditions; or

(b) An interim response, which may include:

(i) An interim decision consenting to import

with or without specified conditions, or not consenting to import during the interim period;

(ii) A statement that a final decision is under active consideration;

(iii) A request to the Secretariat, or to the Party that notified the final regulatory action, for further information;

(iv) A request to the Secretariat for assistance in evaluating the chemical.

5. A response under subparagraphs (a) or (b) of paragraph 4 shall relate to the category or categories specified for the chemical in Annex III.

6. A final decision should be accompanied by a description of any legislative or administrative measures upon which it is based.

7. Each Party shall, no later than the date of entry into force of this Convention for it, transmit to the Secretariat responses with respect to each chemical listed in Annex III. A Party that has provided such responses under the Amended London Guidelines or the International Code of Conduct need not resubmit those responses.

8. Each Party shall make its responses under this Article available to those concerned within its jurisdiction, in accordance with its legislative or administrative measures.

9. A Party that, pursuant to paragraphs 2 and 4 above and paragraph 2 of Article 11, takes a decision not to consent to import of a chemical or to consent to its import only under specified conditions shall, if it has not already done so, simultaneously prohibit or make subject to the same conditions:

(a) Import of the chemical from any source; and

(b) Domestic production of the chemical for domestic use.

10. Every six months the Secretariat shall inform all Parties of the responses it has received. Such information shall include a description of the legislative or administrative measures on which the decisions have been based, where available. The Secretariat shall, in addition, inform the Parties of any cases of failure to transmit a response.

Article 11

Obligations in relation to exports of chemicals listed in Annex III

1. Each exporting Party shall:

(a) Implement appropriate legislative or administrative measures to communicate the responses forwarded by the Secretariat in accordance with paragraph 10 of Article 10 to those concerned within its jurisdiction;

(b) Take appropriate legislative or administrative measures to ensure that exporters within its jurisdiction comply with decisions in each response no later than six months after the date on which the Secretariat first informs the Parties of such response in accordance with paragraph 10 of Article 10;

(c) Advise and assist importing Parties, upon request and as appropriate:

(i) To obtain further information to help them to take action in accordance with paragraph 4 of Article 10 and paragraph 2 (c) below; and

(ii) To strengthen their capacities and capabilities to manage chemicals safely during their life-cycle.

2. Each Party shall ensure that a chemical listed in Annex III is not exported from its territory to any importing Party that, in exceptional circumstances, has failed to transmit a response or has transmitted an interim response that does not contain an interim decision, unless:

(a) It is a chemical that, at the time of import, is registered as a chemical in the importing Party; or

(b) It is a chemical for which evidence exists that it has previously been used in, or imported into, the importing Party and in relation to which no regulatory action to prohibit its use has been taken; or

(c) Explicit consent to the import has been sought and received by the exporter through a designated national authority of the importing Party. The importing Party shall respond to such a request within sixty days and shall promptly notify the Secretariat of its decision.

The obligations of exporting Parties under this paragraph shall apply with effect from the expiration of a period of six months from the date on which the Secretariat first informs the Parties, in accordance with paragraph 10 of Article 10, that a Party has failed to transmit a response or has transmitted an interim response that does not contain an interim decision, and shall apply for one year.

Article 12

Export notification

1. 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. The export notification shall include the information set out in Annex V.

2. The export notification shall be provided for that chemical prior to the first export following adoption of the corresponding final regulatory action. Thereafter, the export notification shall be provided before the first export in any calendar year. The requirement to notify before export may be waived by the designated national authority of the importing Party.

3. An exporting Party shall provide an updated export notification after it has adopted a final regulatory action that results in a major change concerning the ban or severe restriction of that chemical.

4. The importing Party shall acknowledge receipt of the first export notification received after the adoption of the final regulatory action. If the exporting Party does not receive the acknowledgement within thirty days of the dispatch of the export notification, it shall submit a second notification. The exporting Party shall make reasonable efforts to ensure that the importing Party receives the second notification.

5. The obligations of a Party set out in paragraph 1 shall cease when:

(a) The chemical has been listed in Annex III;

(b) The importing Party has provided a response for the chemical to the Secretariat in accordance with paragraph 2 of Article 10; and

(c) The Secretariat has distributed the response to the Parties in accordance with paragraph 10 of Article 10.

Article 13

Information to accompany exported chemicals

1. 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. Without prejudice to any requirements of the importing Party, each Party shall require that both chemicals listed in Annex III and chemicals banned or severely restricted in its territory are, when exported, subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment, taking into account relevant international standards.

3. Without prejudice to any requirements of the importing Party, each Party may require that chemicals subject to environmental or health labelling requirements in its territory are, when exported, subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment, taking into account relevant international standards.

4. With respect to the chemicals referred to in paragraph 2 that are to be used for occupational purposes, each exporting Party shall require that a safety data sheet that follows an internationally recognized format, setting out the most up-to-date information available, is sent to each importer.

5. The information on the label and on the safety data sheet should, as far as practicable, be given in one or more of the official languages of the importing Party.

Article 14

Information exchange

1. Each Party shall, as appropriate and in accordance with the objective of this Convention, facilitate:

(a) The exchange of scientific, technical, economic and legal information concerning the chemicals within the scope of this Convention, including toxicological, ecotoxicological and safety information;

(b) The provision of publicly available information on domestic regulatory actions relevant to the objectives of this Convention; and

(c) 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.

2. Parties that exchange information pursuant to this Convention shall protect any confidential information as mutually agreed.

3. The following information shall not be regarded as confidential for the purposes of this Convention:

(a) The information referred to in Annexes I and IV, submitted pursuant to Articles 5 and 6 respectively;

(b) The information contained in the safety data sheet referred to in paragraph 4 of Article 13;

(c) The expiry date of the chemical;

(d) Information on precautionary measures, including hazard classification, the nature of the risk and the relevant safety advice; and

(e) The summary results of the toxicological and ecotoxicological tests.

4. The production date of the chemical shall generally not be considered confidential for the purposes of this Convention.

5. Any Party requiring information on transit movements through its territory of chemicals listed in Annex III may report its need to the Secretariat, which shall inform all Parties accordingly.

Article 15

Implementation of the Convention

1. Each Party shall take such measures as may be necessary to establish and strengthen its national infrastructures and institutions for the effective implementation of this Convention. These measures may include, as required, the adoption or amendment of national legislative or administrative measures and may also include:

(a) The establishment of national registers and databases including safety information for chemicals;

(b) The encouragement of initiatives by industry to promote chemical safety; and

(c) The promotion of voluntary agreements, taking into consideration the provisions of Article 16.

2. Each Party shall ensure, to the extent practicable, that the public has appropriate access to information on chemical handling and accident management and on alternatives that are safer for human health or the environment than the chemicals listed in Annex III.

3. The Parties agree to cooperate, directly or, where appropriate, through competent international organizations, in the implementation of this Convention at the subregional, regional and global levels.

4. Nothing in this Convention shall be interpreted as restricting the right of the Parties to take action that is more stringently protective of human health and the environment than that called for in this Convention, provided that such action is consistent with the provisions of this Convention and is in accordance with international law.

Article 16

Technical assistance

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.

Article 17

Non-Compliance

The Conference of the Parties shall, as soon as practicable, develop and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Convention and for treatment of Parties found to be in non-compliance.

ARTICLE 18

CONFERENCE OF THE PARTIES

1. A Conference of the Parties is hereby established.

2. The first meeting of the Conference of the Parties shall be convened by the Executive Director of UNEP and the Director-General of FAO, acting jointly, no later than one year after the entry into force of this Convention. Thereafter, ordinary meetings of the Conference of the Parties shall be held at regular intervals to be determined by the Conference.

3. Extraordinary meetings of the Conference of the Parties shall be held at such other times as may be deemed necessary by the Conference, or at the written request of any Party provided that it is supported by at least one third of the Parties.

4. The Conference of the Parties shall by consensus agree upon and adopt at its first meeting rules of procedure and financial rules for itself and any subsidiary bodies, as well as financial provisions governing the functioning of the Secretariat.

5. The Conference of the Parties shall keep under continuous review and evaluation the implementation of this Convention. It shall perform the functions assigned to it by the Convention and, to this end, shall:

(a) Establish, further to the requirements of paragraph 6 below, such subsidiary bodies as it considers necessary for the implementation of the Convention;

(b) Cooperate, where appropriate, with competent international organizations and intergovernmental and non-governmental bodies; and

(c) Consider and undertake any additional action that may be required for the achievement of the objectives of the Convention.

6. The Conference of the Parties shall, at its first meeting, establish a subsidiary body, to be called the Chemical Review Committee, for the purposes of performing the functions assigned to that Committee by this Convention. In this regard:

(a) The members of the Chemical Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of a limited number of government-designated experts in chemicals management. The members of the Committee shall be appointed on the basis of equitable geographical distribution, including ensuring a balance between developed and developing Parties;

(b) The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee;

(c) The Committee shall make every effort to make its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting.

7. The United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any State not Party to this Convention, may be represented at meetings of the Conference of the Parties as observers. Any body or agency, whether national or international, governmental or non-governmental, qualified in matters covered by the Convention, and which has informed the Secretariat of its wish to be represented at a meeting of the Conference of the Parties as an observer may be admitted unless at least one third of the Parties present object. The admission and participation of observers shall be subject to the rules of procedure adopted by the Conference of the Parties.

ARTICLE 19

SECRETARIAT

1. A Secretariat is hereby established.

2. The functions of the Secretariat shall be:

(a) To make arrangements for meetings of the Conference of the Parties and its subsidiary bodies and to provide them with services as required;

(b) To facilitate assistance to the Parties, particularly developing Parties and Parties with economies in transition, on request, in the implementation of this Convention;

(c) To ensure the necessary coordination with the secretariats of other relevant international bodies;

(d) To enter, under the overall guidance of the Conference of the Parties, into such administrative and contractual arrangements as may be required for the effective discharge of its functions; and

(e) To perform the other secretariat functions specified in this Convention and such other functions as may be determined by the Conference of the Parties.

3. The secretariat functions for this Convention shall be performed jointly by the Executive Director of UNEP and the Director-General of FAO, subject to such arrangements as shall be agreed between them and approved by the Conference of the Parties.

4. The Conference of the Parties may decide, by a three-fourths majority of the Parties present and voting, to entrust the secretariat functions to one or more other competent international organizations, should it find that the Secretariat is not functioning as intended.

Article 20

Settlement of disputes

1. Parties shall settle any dispute between them concerning the interpretation or application of this Convention through negotiation or other peaceful means of their own choice.

2. When ratifying, accepting, approving or acceding to this Convention, or at any time thereafter, a Party that is not a regional economic integration organization may declare in a written instrument submitted to the Depositary that, with respect to any dispute concerning the interpretation or application of the Convention, it recognizes one or both of the following means of dispute settlement as compulsory in relation to any Party accepting the same obligation:

(a) Arbitration in accordance with procedures to be adopted by the Conference of the Parties in an annex as soon as practicable; and

(b) Submission of the dispute to the International Court of Justice.

3. A Party that is a regional economic integration organization may make a declaration with like effect in relation to arbitration in accordance with the procedure referred to in paragraph 2(a).

4. A declaration made pursuant to paragraph 2 shall remain in force until it expires in accordance with its terms or until three months after written notice of its revocation has been deposited with the Depositary.

5. The expiry of a declaration, a notice of revocation or a new declaration shall not in any way affect proceedings pending before an arbitral tribunal or the International Court of Justice unless the Parties to the dispute otherwise agree.

6. If the Parties to a dispute have not accepted the same or any procedure pursuant to paragraph 2, and if they have not been able to settle their dispute within twelve months following notification by one Party to another that a dispute exists between them, the dispute shall be submitted to a conciliation commission at the request of any Party to the dispute. The conciliation commission shall render a report with recommendations. Additional procedures relating to the conciliation commission shall be included in an annex to be adopted by the Conference of the Parties no later than the second meeting of the Conference.

Article 21

Amendments to the Convention

1. Amendments to this Convention may be proposed by any Party.

2. Amendments to this Convention shall be adopted at a meeting of the Conference of the Parties. The text of any proposed amendment shall be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat shall also communicate the proposed amendment to the signatories to this Convention and, for information, to the Depositary.

3. The Parties shall make every effort to reach agreement on any proposed amendment to this Convention by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment shall as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting.

4. The amendment shall be communicated by the Depositary to all Parties for ratification, acceptance or approval.

5. Ratification, acceptance or approval of an amendment shall be notified to the Depositary in writing. An amendment adopted in accordance with paragraph 3 shall enter into force for the Parties having accepted it on the ninetieth day after the date of deposit of instruments of ratification, acceptance or approval by at least three fourths of the Parties. Thereafter, the amendment shall enter into force for any other Party on the ninetieth day after the date on which that Party deposits its instrument of ratification, acceptance or approval of the amendment.

Article 22

Adoption and amendment of annexes

1. Annexes to this Convention shall form an integral part thereof and, unless expressly provided otherwise, a reference to this Convention constitutes at the same time a reference to any annexes thereto.

2. Annexes shall be restricted to procedural, scientific, technical or administrative matters.

3. The following procedure shall apply to the proposal, adoption and entry into force of additional annexes to this Convention:

(a) Additional annexes shall be proposed and adopted according to the procedure laid down in paragraphs 1, 2 and 3 of Article 21;

(b) Any Party that is unable to accept an additional annex shall so notify the Depositary, in writing, within one year from the date of communication of the adoption of the additional annex by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of an additional annex and the annex shall thereupon enter into force for that Party subject to subparagraph (c) below; and

(c) On the expiry of one year from the date of the communication by the Depositary of the adoption of an additional annex, the annex shall enter into force for all Parties that have not submitted a notification in accordance with the provisions of subparagraph (b) above.

4. Except in the case of Annex III, the proposal, adoption and entry into force of amendments to annexes to this Convention shall be subject to the same procedures as for the proposal, adoption and entry into force of additional annexes to the Convention.

5. The following procedure shall apply to the proposal, adoption and entry into force of amendments to Annex III:

(a) Amendments to Annex III shall be proposed and adopted according to the procedure laid down in Articles 5 to 9 and paragraph 2 of Article 21;

(b) The Conference of the Parties shall take its decisions on adoption by consensus;

(c) A decision to amend Annex III shall forthwith be communicated to the Parties by the Depositary. The amendment shall enter into force for all Parties on a date to be specified in the decision.

6 If an additional annex or an amendment to an annex is related to an amendment to this Convention, the additional annex or amendment shall not enter into force until such time as the amendment to the Convention enters into force.

Article 23

Voting

1. Each Party to this Convention shall have one vote, except as provided for in paragraph 2 below.

2. A regional economic integration organization, on matters within its competence, shall exercise its right to vote with a number of votes equal to the number of its member States that are Parties to this Convention. Such an organization shall not exercise its right to vote if any of its member States exercises its right to vote, and vice versa.

3. For the purposes of this Convention, "Parties present and voting" means Parties present and casting an affirmative or negative vote.

Article 24

Signature

This Convention shall be open for signature at Rotterdam by all States and regional economic integration organizations on 11 September 1998, and at United Nations Headquarters in New York from 12 September 1998 to 10 September 1999.

Article 25

Ratification, acceptance, approval or accession

1. This Convention shall be subject to ratification, acceptance or approval by States and by regional economic integration organizations. It shall be open for accession by States and by regional economic integration organizations from the day after the date on which the Convention is closed for signature. Instruments of ratification, acceptance, approval or accession shall be deposited with the Depositary.

2. Any regional economic integration organization that becomes a Party to this Convention without any

of its member States being a Party shall be bound by all the obligations under the Convention. In the case of such organizations, one or more of whose member States is a Party to this Convention, the organization and its member States shall decide on their respective responsibilities for the performance of their obligations under the Convention. In such cases, the organization and the member States shall not be entitled to exercise rights under the Convention concurrently.

3. In its instrument of ratification, acceptance, approval or accession, a regional economic integration organization shall declare the extent of its competence in respect of the matters governed by this Convention. Any such organization shall also inform the Depositary, who shall in turn inform the Parties, of any relevant modification in the extent of its competence.

Article 26

Entry into force

1. This Convention shall enter into force on the ninetieth day after the date of deposit of the fiftieth instrument of ratification, acceptance, approval or accession.

2. For each State or regional economic integration organization that ratifies, accepts or approves this Convention or accedes thereto after the deposit of the fiftieth instrument of ratification, acceptance, approval or accession, the Convention shall enter into force on the ninetieth day after the date of deposit by such State or regional economic integration organization of its instrument of ratification, acceptance, approval or accession.

3. For the purpose of paragraphs 1 and 2, any instrument deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization.

Article 27

Reservations

No reservations may be made to this Convention.

Article 28

Withdrawal

1. At any time after three years from the date on which this Convention has entered into force for a Party, that Party may withdraw from the Convention by giving written notification to the Depositary.

2. Any such withdrawal shall take effect upon expiry of one year from the date of receipt by the Depositary of the notification of withdrawal, or on such later date as may be specified in the notification of withdrawal.

Article 29

Depositary

The Secretary-General of the United Nations shall be the Depositary of this Convention.

Article 30

Authentic texts

The original of this Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS WHEREOF the undersigned, being duly authorized to that effect, have signed this Convention.

Done at Rotterdam on this tenth day of September, one thousand nine hundred and ninety-eight.

Annex I

INFORMATION REQUIREMENTS FOR NOTIFICATIONS MADE PURSUANT TO ARTICLE 5

Notifications shall include:

1. Properties, identification and uses

   (a) Common name;

   (b) Chemical name according to an internationally recognized nomenclature (for example, International Union of Pure and Applied Chemistry (IUPAC)), where such nomenclature exists;

   (c) Trade names and names of preparations;

   (d) Code numbers: Chemicals Abstract Service (CAS) number, Harmonized System customs code and other numbers;

   (e) Information on hazard classification, where the chemical is subject to classification requirements;

   (f) Use or uses of the chemical;

   (g) Physico-chemical, toxicological and ecotoxicological properties.

2. Final regulatory action

   (a) Information specific to the final regulatory action:

      (i) Summary of the final regulatory action;

      (ii) Reference to the regulatory document;

      (iii) Date of entry into force of the final regulatory action;

      (iv) Indication of whether the final regulatory action was taken on the basis of a risk or hazard evaluation and, if so, information on such evaluation, covering a reference to the relevant documentation;

      (v) Reasons for the final regulatory action relevant to human health, including the health of consumers and workers, or the environment;

      (vi) Summary of the hazards and risks presented by the chemical to human health, including the health of consumers and workers, or the environment and the expected effect of the final regulatory action;

   (b) Category or categories where the final regulatory action has been taken, and for each category:

      (i) Use or uses prohibited by the final regulatory action;

      (ii) Use or uses that remain allowed;

      (iii) Estimation, where available, of quantities of the chemical produced, imported, exported and used;

   (c) An indication, to the extent possible, of the likely relevance of the final regulatory action to other States and regions;

   (d) Other relevant information that may cover:

      (i) Assessment of socio-economic effects of the final regulatory action;

      (ii) Information on alternatives and their relative risks, where available, such as:

   – Integrated pest management strategies;

   – Industrial practices and processes, including cleaner technology.

Annex II

CRITERIA FOR LISTING BANNED OR SEVERELY RESTRICTED CHEMICALS IN ANNEX III

In reviewing the notifications forwarded by the Secretariat pursuant to paragraph 5 of Article 5, the Chemical Review Committee shall:

(a) Confirm that the final regulatory action has been taken in order to protect human health or the environment;

(b) Establish that the final regulatory action has been taken as a consequence of a risk evaluation. This evaluation shall be based on a review of scientific data in the context of the conditions prevailing in the Party in question. For this purpose, the documentation provided shall demonstrate that:

(i) Data have been generated according to scientifically recognized methods;

(ii) Data reviews have been performed and documented according to generally recognized scientific principles and procedures;

(iii) The final regulatory action was based on a risk evaluation involving prevailing conditions within the Party taking the action;

(c) Consider whether the final regulatory action provides a sufficiently broad basis to merit listing of the chemical in Annex III, by taking into account:

(i) Whether the final regulatory action led, or would be expected to lead, to a significant decrease in the quantity of the chemical used or the number of its uses;

(ii) Whether the final regulatory action led to an actual reduction of risk or would be expected to result in a significant reduction of risk for human health or the environment of the Party that submitted the notification;

(iii) Whether the considerations that led to the final regulatory action being taken are applicable only in a limited geographical area or in other limited circumstances;

(iv) Whether there is evidence of ongoing international trade in the chemical;

(d) Take into account that intentional misuse is not in itself an adequate reason to list a chemical in Annex III.

Annex III[1]

CHEMICALS SUBJECT TO THE PRIOR INFORMED CONSENT PROCEDURE

Chemical	Relevant CAS number(s)	Category
2,4,5-T	93-76-5*	Pesticide
Aldrin	309-00-2	Pesticide
Binapacryl	485-31-4	Pesticide
Captafol	2425-06-1	Pesticide
Chlordane	57-74-9	Pesticide
Chlordimeform	6164-98-3	Pesticide
Chlorobenzilate	510-15-6	Pesticide
DDT	50-29-3	Pesticide
Dieldrin	60-57-1	Pesticide
Dinitro-ortho-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
Dinoseb and dinoseb salts	88-85-7*	Pesticide
1,2-dibromoethane (EDB)	106-93-4	Pesticide
Ethylene dichloride	107-06-2	Pesticide
Ethylene oxide	75-21-8	Pesticide
Fluoroacetamide	640-19-7	Pesticide
HCH (mixed isomers)	608-73-1	Pesticide
Heptachlor	76-44-8	Pesticide
Hexachlorobenzene	118-74-1	Pesticide
Lindane	58-89-9	Pesticide
Mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl and aryl mercury compounds		Pesticide
Monocrotophos	6923-22-4	Pesticide
Parathion	56-38-2	Pesticide
Pentachlorophenol and its salts and esters	87-86-5*	Pesticide
Toxaphene	8001-35-2	Pesticide
Dustable powder formulations containing a combination of: - Benomyl at or above 7 per cent, - Carabofuran at o above 10 per cent, and - Thiram at or above 15 per cent	17804-35-2 1563-66-2 137-26-8	Severely hazardous pesticide formulation

[1] As amended by the First Meeting of the Conference of the Parties by its decision RC 1/3 of 24 September 2004.

CHEMICALS SUBJECT TO THE PRIOR INFORMED CONSENT PROCEDURE

Chemical	Relevant CAS number(s)	Category
Methamidophos (Soluble liquid formulations of the substance that exceed 600 g active ingredient/l)	10265-92-6	Severely hazardous pesticide formulation
Phosphamidon (Soluble liquid formulations of the substance that exceed 1000 g active ingredient/l)	13171-21-6 (mixture, (E)&(Z) isomers) 23783-98-4 ((Z)-isomer) 297-99-4 ((E)-isomer)	Severely hazardous pesticide formulation
Methyl-parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient)	298-00-0	Severely hazardous pesticide formulation
Asbestos: - Actinolite - Anthophyllite - Amosite - Crocidolite - Tremolite	77536-66-4 77536-67-5 12172-73-5 12001-28-4 77536-68-6	Industrial Industrial Industrial Industrial Industrial
Polybrominated biphenyls (PBB)	36355-01-8(hexa-) 27858-07-7 (octa-) 13654-09-6 (deca-)	Industrial
Polychlorinated biphenyls (PCB)	1336-36-3	Industrial
Polychlorinated terphenyls (PCT)	61788-33-8	Industrial
Tetraethyl lead	78-00-2	Industrial
Tetramethyl lead	75-74-1	Industrial
Tris (2,3-dibromopropyl) phosphate	126-72-7	Industrial

* Only the CAS numbers of parent compounds are listed. For a list of other relevant CAS numbers, reference may be made to the relevant decision guidance document.

Annex IV

INFORMATION AND CRITERIA FOR LISTING SEVERELY HAZARDOUS PESTICIDE FORMULATIONS IN ANNEX III

PART 1. DOCUMENTATION REQUIRED FROM A PROPOSING PARTY

Proposals submitted pursuant to paragraph 1 of Article 6 shall include adequate documentation containing the following information:

(a) Name of the hazardous pesticide formulation;

(b) Name of the active ingredient or ingredients in the formulation;

(c) Relative amount of each active ingredient in the formulation;

(d) Type of formulation;

(e) Trade names and names of the producers, if available;

(f) Common and recognized patterns of use of the formulation within the proposing Party;

(g) A clear description of incidents related to the problem, including the adverse effects and the way in which the formulation was used;

(h) Any regulatory, administrative or other measure taken, or intended to be taken, by the proposing Party in response to such incidents.

PART 2. INFORMATION TO BE COLLECTED BY THE SECRETARIAT

Pursuant to paragraph 3 of Article 6, the Secretariat shall collect relevant information relating to the formulation, including:

(a) The physico-chemical, toxicological and ecotoxicological properties of the formulation;

(b) The existence of handling or applicator restrictions in other States;

(c) Information on incidents related to the formulation in other States;

(d) Information submitted by other Parties, international organizations, non-governmental organizations or other relevant sources, whether national or international;

(e) Risk and/or hazard evaluations, where available;

(f) Indications, if available, of the extent of use of the formulation, such as the number of registrations or production or sales quantity;

(g) Other formulations of the pesticide in question, and incidents, if any, relating to these formulations;

(h) Alternative pest-control practices;

(i) Other information which the Chemical Review Committee may identify as relevant.

PART 3. CRITERIA FOR LISTING SEVERELY HAZARDOUS PESTICIDE FORMULATIONS IN ANNEX III

In reviewing the proposals forwarded by the Secretariat pursuant to paragraph 5 of Article 6, the Chemical Review Committee shall take into account:

(a) The reliability of the evidence indicating that use of the formulation, in accordance with common or recognized practices within the proposing Party, resulted in the reported incidents;

(b) The relevance of such incidents to other States with similar climate, conditions and patterns of use of the formulation;

(c) The existence of handling or applicator restrictions involving technology or techniques that may not be reasonably or widely applied in States lacking the necessary infrastructure;

(d) The significance of reported effects in relation to the quantity of the formulation used;

(e) That intentional misuse is not in itself an adequate reason to list a formulation in Annex III.

Annex V

INFORMATION REQUIREMENTS FOR EXPORT NOTIFICATION

1. Export notifications shall contain the following information:

(a) Name and address of the relevant designated national authorities of the exporting Party and the importing Party;

(b) Expected date of export to the importing Party;

(c) Name of the banned or severely restricted chemical and a summary of the information specified in Annex I that is to be provided to the Secretariat in accordance with Article 5. Where more than one such chemical is included in a mixture or preparation, such information shall be provided for each chemical;

(d) A statement indicating, if known, the foreseen category of the chemical and its foreseen use within that category in the importing Party;

(e) Information on precautionary measures to reduce exposure to, and emission of, the chemical;

(f) In the case of a mixture or a preparation, the concentration of the banned or severely restricted chemical or chemicals in question;

(g) Name and address of the importer;

(h) Any additional information that is readily available to the relevant designated national authority of the exporting Party that would be of assistance to the designated national authority of the importing Party.

2. In addition to the information referred to in paragraph 1, the exporting Party shall provide such further information specified in Annex I as may be requested by the importing Party.

Annex VI[2]

SETTLEMENTS OF DISPUTES

A. Rules on arbitration

The arbitration procedure for purposes of paragraph 2 (a) of article 20 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade shall be as follows:

Article 1

1. A Party may initiate recourse to arbitration in accordance with article 20 of the Convention by written notification addressed to the other Party to the dispute. The notification shall be accompanied by a statement of the claim, together with any supporting documents, and shall state the subject matter for arbitration including, in particular, the articles of the Convention the interpretation or application of which are at issue.

2. The claimant Party shall notify the secretariat that the Parties are referring a dispute to arbitration pursuant to article 20. The written notification of the claimant Party shall be accompanied by the statement of claim and the supporting documents referred to in paragraph 1 above. The secretariat shall forward the information thus received to all Parties.

Article 2

1. In disputes between two Parties, an Arbitral Tribunal shall be established. It shall consist of three members.

2. Each of the Parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the President of the Tribunal. The President of the Tribunal shall not be a national of one of the Parties to the dispute, nor have his or her usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

3. In disputes between more than two Parties, Parties in the same interest shall appoint one arbitrator jointly by agreement.

4. Any vacancy shall be filled in the manner prescribed for the initial appointment.

[2] Adopted by the First Meeting of the Conference of the Parties by its decision RC 1/11 of 24 September 2004.

5. If the Parties do not agree on the subject matter of the dispute before the President of the Arbitral Tribunal is designated, the Arbitral Tribunal shall determine the subject matter.

Article 3

1. If one of the Parties to the dispute does not appoint an arbitrator within two months of the date on which the respondent Party receives the notification of the arbitration, the other Party may inform the Secretary-General of the United Nations who shall make the designation within a further two-month period.

2. If the President of the Arbitral Tribunal has not been designated within two months of the date of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a Party, designate the President within a further two month period.

Article 4

The Arbitral Tribunal shall render its decisions in accordance with the provisions of the Convention and international law.

Article 5

Unless the parties to the dispute agree otherwise, the Arbitral Tribunal shall determine its own rules of procedure.

Article 6

The Arbitral Tribunal may, at the request of one of the Parties, recommend essential interim measures of protection.

Article 7

The Parties to the dispute shall facilitate the work of the Arbitral Tribunal and, in particular, using all means at their disposal, shall:

(a) Provide it with all relevant documents, information and facilities; and

(b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 8

The Parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the Arbitral Tribunal.

Article 9

Unless the Arbitral Tribunal determines otherwise because of the particular circumstances of the case, the costs of the Tribunal shall be borne by the Parties to the dispute in equal shares. The Tribunal shall keep a record of all its costs and shall furnish a final statement thereof to the Parties.

Article 10

A Party that has an interest of a legal nature in the subject matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the Arbitral Tribunal.

Article 11

The Arbitral Tribunal may hear and determine counterclaims arising directly out of the subject matter of the dispute.

Article 12

Decisions of the Arbitral Tribunal on both procedure and substance shall be taken by a majority vote of its members.

Article 13

1. If one of the Parties to the dispute does not appear before the Arbitral Tribunal or fails to defend its case, the other Party may request the Tribunal to continue the proceedings and to render its decision. Absence of a Party or failure of a Party to defend its case shall not constitute a bar to the proceedings.

2. Before rendering its final decision, the Arbitral Tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

The Arbitral Tribunal shall render its final decision within five months of the date on which it is fully constituted, unless it finds it necessary to extend the time limit for a period which should not exceed five more months.

Article 15

The final decision of the Arbitral Tribunal shall be confined to the subject matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the Tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The award shall be binding on the parties to the dispute. The interpretation of the Convention given by the award shall also be binding upon a Party intervening under article 10 above insofar as it relates to matters in respect of which that Party intervened. The award shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

Article 17

Any controversy which may arise between those bound by the final decision in accordance with article 16 above, as regards the interpretation or manner of implementation of that decision, may be submitted by any of them for decision to the Arbitral Tribunal which rendered it.

B. Rules on conciliation

The conciliation procedure for purposes of paragraph 6 of article 20 of the Convention shall be as follows.

Article 1

1. A request by a party to a dispute to establish a conciliation commission in consequence of paragraph 6 of article 20 shall be addressed in writing to the Secretariat. The Secretariat shall forthwith inform all Parties accordingly.

2. The conciliation commission shall, unless the parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

Article 2

In disputes between more than two parties, parties in the same interest shall appoint their members of the commission jointly by agreement.

Article 3

If any appointments by the parties are not made within two months of the date of receipt by the Secretariat of the written request referred to in article 1, the Secretary-General of the United Nations shall, upon request by a party, make those appointments within a further two-month period.

Article 4

If the President of the conciliation commission has not been chosen within two months of the fourth member of the commission being appointed, the Secretary-General of the United Nations shall, upon request by a party, designate the President within a further two-month period.

Article 5

1. The conciliation commission shall, unless the parties to the dispute otherwise agree, determine its own rules of procedure.

2. The parties and members of the commission are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the commission.

Article 6

The conciliation commission shall take its decisions by a majority vote of its members.

Article 7

The conciliation commission shall render a report with recommendations for resolution of the dispute within twelve months of being established, which the parties shall consider in good faith.

Article 8

Any disagreement as to whether the conciliation commission has competence to consider a matter referred to it shall be decided by the commission.

Article 9

The costs of the Commission shall be borne by the parties to the dispute in shares agreed by them. The Commission shall keep the record of all its costs and shall furnish a final statement thereof to the parties.

Annex 8.4 Chemicals listed in Annex III of the Convention and subject to the PIC procedure[1]

Chemical	Relevant CAS number(s)	Category
2,4,5-T	93-76-5*	Pesticide
Aldrin	309-00-2	Pesticide
Binapacryl	485-31-4	Pesticide
Captafol	2425-06-1	Pesticide
Chlordane	57-74-9	Pesticide
Chlordimeform	6164-98-3	Pesticide
Chlorobenzilate	510-15-6	Pesticide
DDT	50-29-3	Pesticide
Dieldrin	60-57-1	Pesticide
Dinitro-ortho-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
Dinoseb and dinoseb salts	88-85-7*	Pesticide
1,2-dibromoethane (EDB)	106-93-4	Pesticide
Ethylene dichloride	107-06-2	Pesticide
Ethylene oxide	75-21-8	Pesticide
Fluoroacetamide	640-19-7	Pesticide
HCH (mixed isomers)	608-73-1	Pesticide
Heptachlor	76-44-8	Pesticide
Hexachlorobenzene	118-74-1	Pesticide
Lindane	58-89-9	Pesticide
Mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl and aryl mercury compounds		Pesticide
Monocrotophos	6923-22-4	Pesticide
Parathion	56-38-2	Pesticide
Pentachlorophenol and its salts and esters	87-86-5*	Pesticide
Toxaphene	8001-35-2	Pesticide
Dustable powder formulations containing a combination of: - Benomyl at or above 7 per cent, - Carabofuran at o above 10 per cent, and - Thiram at or above 15 per cent	17804-35-2 1563-66-2 137-26-8	Severely hazardous pesticide formulation

[1] This list of chemicals is as amended by the First Meeting of the Conference of the Parties by its decision RC 1/3 of 24 September 2004. For a current list of chemicals included in Annex III of the Rotterdam Convention and subject to the PIC procedure please consult the Rotterdam Convention website: www.pic.int

Chemical	Relevant CAS number(s)	Category
Methamidophos (Soluble liquid formulations of the substance that exceed 600 g active ingredient/l)	10265-92-6	Severely hazardous pesticide formulation
Phosphamidon (Soluble liquid formulations of the substance that exceed 1000 g active ingredient/l)	13171-21-6 (mixture, (E)&(Z) isomers) 23783-98-4 ((Z)-isomer) 297-99-4 ((E)-isomer)	Severely hazardous pesticide formulation
Methyl-parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient)	298-00-0	Severely hazardous pesticide formulation
Asbestos: - Actinolite - Anthophyllite - Amosite - Crocidolite - Tremolite	77536-66-4 77536-67-5 12172-73-5 12001-28-4 77536-68-6	Industrial Industrial Industrial Industrial Industrial
Polybrominated biphenyls (PBB)	36355-01-8(hexa-) 27858-07-7 (octa-) 13654-09-6 (deca-)	Industrial
Polychlorinated biphenyls (PCB)	1336-36-3	Industrial
Polychlorinated terphenyls (PCT)	61788-33-8	Industrial
Tetraethyl lead	78-00-2	Industrial
Tetramethyl lead	75-74-1	Industrial
Tris (2,3-dibromopropyl) phosphate	126-72-7	Industrial

* Only the CAS numbers of parent compounds are listed. For a list of other relevant CAS numbers, reference may be made to the relevant decision guidance document.

Annex 8.5.1 Submission of Import Response

ROTTERDAM CONVENTION

SECRETARIAT FOR THE ROTTERDAM CONVENTION
ON THE PRIOR INFORMED CONSENT PROCEDURE
FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES
IN INTERNATIONAL TRADE

FORM FOR IMPORT RESPONSE

Country:

SECTION 1 IDENTITY OF CHEMICAL

1.1 Common name

1.2 CAS number

1.3 Category

☐ Pesticide

☐ Industrial

☐ Severely hazardous pesticide formulation

SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

2.1 ☐ This is a first time import response for this chemical in the country.

2.2 ☐ This is a modification of a previous response.

Date of issue of the previous response: .....

SECTION 3 RESPONSE REGARDING FUTURE IMPORT

☐ **Final decision (Fill in section 4 below)** **OR** ☐ **Interim response (Fill in section 5 below)**

SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES

4.1 ☐ **No consent to import**

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

4.2 ☐ **Consent to import**

4.3 ☐ **Consent to import only subject to specified conditions**

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

4.4 **National legislative or administrative measure upon which the final decision is based**

Description of the national legislative or administrative measure:

SECTION 5 INTERIM RESPONSE

5.1 ☐ **No consent to import**

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

5.2 ☐ **Consent to import**

5.3 ☐ **Consent to import only subject to specified conditions**

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

5.4 Indication of active consideration in order to reach a final decision

Is a final decision under active consideration? ☐ Yes ☐ No

5.5 Information or assistance requested in order to reach a final decision

The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:

Is this chemical currently registered in the country? ☐ Yes ☐ No

Is this chemical manufactured in the country? ☐ Yes ☐ No

If yes to either one of these questions:

Is this intended for domestic use?	☐ Yes	☐ No
Is this intended for export?	☐ Yes	☐ No

Other remarks

SECTION 7 DESIGNATED NATIONAL AUTHORITY

Institution	
Address	
Name of person in charge	
Position of person in charge	
Telephone	
Telefax	
E-mail address	

Date, signature of DNA and official seal: _____

PLEASE RETURN THE COMPLETED FORM TO:

Secretariat for the Rotterdam Convention
Food and Agriculture Organization
of the United Nations (FAO)
Viale delle Terme di Caracalla
00100 Rome, Italy
Tel: (+39 06) 5705 3441
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INSTRUCTIONS FOR SUBMISSION OF AN IMPORT RESPONSE

ROTTERDAM CONVENTION

SECRETARIAT FOR THE ROTTERDAM CONVENTION ON THE PRIOR INFORMED CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES IN INTERNATIONAL TRADE

UNEP

FORM FOR IMPORT RESPONSE

Country:

SECTION 1 IDENTITY OF CHEMICAL

1.1 **Common name**

1.2 **CAS number**

1.3 **Category**

- ☐ Pesticide
- ☐ Industrial
- ☐ Severely hazardous pesticide formulation

SECTION 2 INDICATION REGARDING PREVIOUS RESPONSE, IF ANY

2.1 ☐ This is a first time import response for this chemical in the country.

2.2 ☐ This is a modification of a previous response.

Date of issue of the previous response: .....

SECTION 3 RESPONSE REGARDING FUTURE IMPORT

☐ **Final decision (Fill in section 4 below)** **OR** ☐ **Interim response (Fill in section 5 below)**

INSTRUCTION: The category or categories checked here must be consistent with the categories listed for the chemical in Annex III of the Convention. The response given later in Section 4 or 5 must relate to the category or categories checked in this section.

INSTRUCTION: Both a final decision as well as an interim decision can be revised with a resubmitted completed Import Response Form. The previous decision will always be replaced by the new response.

INSTRUCTION: Please check ONLY ONE of the two options to indicate whether the response given in the form is a final decision OR an interim response.

SECTION 4 FINAL DECISION, PURSUANT TO NATIONAL LEGISLATIVE OR ADMINISTRATIVE MEASURES

INSTRUCTION: Section 4 must be filled in ONLY WHEN a final decision has been taken.

4.1 ☐ **No consent to import**

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

4.2 ☐ **Consent to import**

4.3 ☐ **Consent to import only subject to specified conditions**

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

4.4 **National legislative or administrative measure upon which the final decision is based**

Description of the national legislative or administrative measure:

SECTION 5 INTERIM RESPONSE

INSTRUCTION: Section 5 must be filled in ONLY WHEN no final decision has been taken. An interim response is valid during the period until a final decision is reached.

5.1 ☐ **No consent to import**

Is the import of the chemical from all sources simultaneously prohibited? ☐ Yes ☐ No

Is domestic production of the chemical for domestic use simultaneously prohibited? ☐ Yes ☐ No

5.2 ☐ **Consent to import**

5.3 ☐ **Consent to import only subject to specified conditions**

The specified conditions are:

Are the conditions for import of the chemical the same for all sources of import? ☐ Yes ☐ No

Are the conditions for domestic production of the chemical for domestic use the same as for all imports? ☐ Yes ☐ No

5.4 **Indication of active consideration in order to reach a final decision**

Is a final decision under active consideration? ☐ Yes ☐ No

5.5 **Information or assistance requested in order to reach a final decision**

The following additional information is requested from the Secretariat:

The following additional information is requested from the country that notified the final regulatory action:

The following assistance is requested from the Secretariat in evaluating the chemical:

INSTRUCTION: If additional information is required, this must be clearly stated. If assistance is requested from the Secretariat in evaluating the chemical, the specific areas of difficulty and the nature of the assistance requested should be indicated.

SECTION 6 RELEVANT ADDITIONAL INFORMATION, WHICH MAY INCLUDE:

Is this chemical currently registered in the country? ☐ Yes ☐ No

Is this chemical manufactured in the country? ☐ Yes ☐ No

If yes to either one of these questions:

Is this intended for domestic use? ☐ Yes ☐ No

Is this intended for export? ☐ Yes ☐ No

Other remarks

SECTION 7 DESIGNATED NATIONAL AUTHORITY

Institution	
Address	
Name of person in charge	
Position of person in charge	
Telephone	
Telefax	
E-mail address	

Date, signature of DNA and official seal: _____

PLEASE RETURN THE COMPLETED FORM TO:

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E-mail: pic@pic.int

Annex 8.5.2 Submission of a Notification of Final Regulatory Action

ROTTERDAM CONVENTION

SECRETARIAT FOR THE ROTTERDAM CONVENTION
ON THE PRIOR INFORMED CONSENT PROCEDURE
FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES
IN INTERNATIONAL TRADE

FORM FOR NOTIFICATION
OF FINAL REGULATORY ACTION TO BAN OR SEVERELY RESTRICT A CHEMICAL

Country:

SECTION 1 IDENTITY OF CHEMICAL SUBJECT TO THE FINAL REGULATORY ACTION

1.1	**Common name**	
1.2	**Chemical name according to an internationally recognized nomenclature (e.g. IUPAC), where such nomenclature exists**	
1.3	**Trade names and names of preparations**	
1.4	**Code numbers**	
1.4.1	CAS number	
1.4.2	Harmonized System customs code	
1.4.3	Other numbers (specify the numbering system)	

1.5 Indication regarding previous notification on this chemical, if any

1.5.1 ☐ This is a first time notification of final regulatory action on this chemical.

1.5.2 ☐ This notification replaces all previously submitted notifications on this chemical.
Date of issue of the previous notification: _____

SECTION 2 FINAL REGULATORY ACTION

2.1 The chemical is: ☐ **banned** **OR** ☐ **severely restricted**

2.2 Information specific to the final regulatory action

2.2.1 Summary of the final regulatory action

2.2.2 Reference to the regulatory document, e.g. where decision is recorded or published

2.2.3 Date of entry into force of the final regulatory action

2.3 Category or categories where the final regulatory action has been taken

2.3.1 All use or uses of the chemical in your country prior to the final regulatory action

2.3.2 Final regulatory action has been taken for the category ☐ Industrial

Use or uses prohibited by the final regulatory action

Use or uses that remain allowed (only in case of a severe restriction)

2.3.3 Final regulatory action has been taken for the category ☐ Pesticide

Formulation(s) and use or uses prohibited by the final regulatory action

Formulation(s) and use or uses that remain allowed
(only in case of a severe restriction)

2.4 Was the final regulatory action based on a risk or hazard evaluation?

☐ **Yes**

☐ **No** (If no, you may also complete section 2.5.3.3)

2.4.1 If yes, reference to the relevant documentation, which describes the hazard or risk evaluation

2.4.2 Summary description of the risk or hazard evaluation upon which the ban or severe restriction was based.

2.4.2.1 Is the reason for the final regulatory action relevant to human health?

☐ Yes

☐ No

If yes, give summary of the hazard or risk evaluation related to human health, including the health of consumers and workers

Expected effect of the final regulatory action

2.4.2.2 Is the reason for the final regulatory action relevant to the environment?

☐ Yes

☐ No

If yes, give summary of the hazard or risk evaluation related to the environment

Expected effect of the final regulatory action

2.5 Other relevant information regarding the final regulatory action

2.5.1 Estimated quantity of the chemical produced, imported, exported and used

	Quantity per year (MT)	Year
produced		
imported		
exported		
used		

2.5.2 Indication, to the extent possible, of the likely relevance of the final regulatory action to other states and regions

2.5.3 Other relevant information that may cover:

2.5.3.1 Assessment of socio-economic effects of the final regulatory action

2.5.3.2 Information on alternatives and their relative risks, e.g. IPM, chemical and non-chemical alternatives

2.5.3.3 Basis for the final regulatory action if other than hazard or risk evaluation

2.5.3.4 Additional information related to the chemical or the final regulatory action, if any

SECTION 3 PROPERTIES

3.1 Information on hazard classification where the chemical is subject to classification requirements

International classification systems e.g. WHO, IARC, etc.	**Hazard class**

Other classification systems e.g. EU, USEPA	**Hazard class**

3.2 Further information on the properties of the chemical

3.2.1 Description of physico-chemical properties of the chemical

Reference

3.2.2 Description of toxicological properties of the chemical

Reference

3.2.3 Description of ecotoxicological properties of the chemical

Reference

SECTION 4 DESIGNATED NATIONAL AUTHORITY

Institution	
Address	
Name of person in charge	
Position of person in charge	
Telephone	
Telefax	
E-mail address	

Date, signature of DNA and official seal: _____

PLEASE RETURN THE COMPLETED FORM TO:

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11-13, Chemin des Anémones
CH – 1219 Châtelaine, Geneva, Switzerland
Tel: (+41 22) 917 8177
Fax: (+41 22) 917 8082
E-mail: pic@pic.int

Definitions for the purposes of the Rotterdam Convention according to Article 2:

(a) 'Chemical' means a substance whether by itself or in a mixture or preparation and whether manufactured or obtained from nature, but does not include any living organism. It consists of the following categories: pesticide (including severely hazardous pesticide formulations) and industrial;

(b) 'Banned chemical' means a chemical all uses of which within one or more categories have been prohibited by final regulatory action, in order to protect human health or the environment. It includes a chemical that has been refused approval for first-time use or has been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process and where there is clear evidence that such action has been taken in order to protect human health or the environment;

(c) 'Severely restricted chemical' means a chemical virtually all use of which within one or more categories has been prohibited by final regulatory action in order to protect human health or the environment, but for which certain specific uses remain allowed. It includes a chemical that has, for virtually all use, been refused for approval or been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process, and where there is clear evidence that such action has been taken in order to protect human health or the environment;

(d) 'Final regulatory action' means an action taken by a Party, that does not require subsequent regulatory action by that Party, the purpose of which is to ban or severely restrict a chemical.

INSTRUCTIONS FOR SUBMISSION OF A NOTIFICATION OF FINAL REGULATORY ACTION

ROTTERDAM CONVENTION

SECRETARIAT FOR THE ROTTERDAM CONVENTION
ON THE PRIOR INFORMED CONSENT PROCEDURE
FOR CERTAIN HAZARDOUS CHEMICALS AND PESTICIDES
IN INTERNATIONAL TRADE

UNEP

FORM FOR NOTIFICATION
OF FINAL REGULATORY ACTION TO BAN OR SEVERELY RESTRICT A CHEMICAL

Country:

SECTION 1 IDENTITY OF CHEMICAL SUBJECT TO THE FINAL REGULATORY ACTION

1.1	**Common name**	
1.2	**Chemical name according to an internationally recognized nomenclature (e.g. IUPAC), where such nomenclature exists**	
1.3	**Trade names and names of preparations**	
1.4	**Code numbers**	
1.4.1	CAS number	
1.4.2	Harmonized System customs code	
1.4.3	Other numbers (specify the numbering system)	

INSTRUCTION: If reporting a final regulatory action that applies to a group of chemicals, please provide CAS-number for each chemical covered by the final regulatory action.

1.5 Indication regarding previous notification on this chemical, if any

1.5.1 ☐ This is a first time notification of final regulatory action on this chemical.

1.5.2 ☐ This notification replaces all previously submitted notifications on this chemical.
Date of issue of the previous notification: _____

INSTRUCTION: When revising a final regulatory action please provide a new notification that replaces all previous notifications.

SECTION 2 FINAL REGULATORY ACTION

2.1 The chemical is: ☐ **banned** **OR** ☐ **severely restricted**

INSTRUCTION: Please check only one of the two options. The definitions of ban and severe restriction under the Rotterdam Convention can be found at the end of this form.

2.2 Information specific to the final regulatory action

2.2.1 Summary of the final regulatory action

2.2.2 Reference to the regulatory document, e.g. where decision is recorded or published

2.2.3 Date of entry into force of the final regulatory action

INSTRUCTION: This is the effective date when the regulatory action comes into force for the chemical.

2.3 Category or categories where the final regulatory action has been taken

2.3.1 All use or uses of the chemical in your country prior to the final regulatory action

2.3.2 Final regulatory action has been taken for the category ☐ Industrial

Use or uses prohibited by the final regulatory action

Use or uses that remain allowed (only in case of a severe restriction)

2.3.3 Final regulatory action has been taken for the category ☐ Pesticide

Formulation(s) and use or uses prohibited by the final regulatory action

Formulation(s) and use or uses that remain allowed
(only in case of a severe restriction)

INSTRUCTION: please indicate whether the final regulatory action bans or severely restricts all formulations of the chemical or bans or severely restricts only certain types of formulations or certain concentrations of active ingredient.

2.4 **Was the final regulatory action based on a risk or hazard evaluation?** ☐ **Yes** ☐ **No** (If no, you may also complete section 2.5.3.3)

2.4.1 If yes, reference to the relevant documentation, which describes the hazard or risk evaluation

2.4.2 Summary description of the risk or hazard evaluation upon which the ban or severe restriction was based.

2.4.2.1 Is the reason for the final regulatory action relevant to human health? ☐ Yes ☐ No

If yes, give summary of the hazard or risk evaluation related to human health, including the health of consumers and workers

Expected effect of the final regulatory action

2.4.2.2 Is the reason for the final regulatory action relevant to the environment? ☐ Yes ☐ No

If yes, give summary of the hazard or risk evaluation related to the environment

Expected effect of the final regulatory action

INSTRUCTION: If the final regulatory action was based on a risk evaluation involving prevailing conditions in your country, this should be indicated, including a summary of relevant information. Detailed report can be submitted separately if available.

INSTRUCTION: Information provided here may include a consideration of whether the final regulatory action led, or would be expected to lead:
- to a significant decrease in the quantity of the chemical used or the number of its uses; and
- to result in a significant reduction of risk for the human health or environment in your country.

2.5 Other relevant information regarding the final regulatory action

2.5.1 Estimated quantity of the chemical produced, imported, exported and used

	Quantity per year (MT)	Year
produced		
imported		
exported		
used		

2.5.2 Indication, to the extent possible, of the likely relevance of the final regulatory action to other states and regions

2.5.3 Other relevant information that may cover:

2.5.3.1 Assessment of socio-economic effects of the final regulatory action

2.5.3.2 Information on alternatives and their relative risks, e.g. IPM, chemical and non-chemical alternatives

2.5.3.3 Basis for the final regulatory action if other than hazard or risk evaluation

INSTRUCTION:
Please provide, to the extent possible, an indication on whether the considerations that led to the final regulatory action are applicable also in other states or regions.

2.5.3.4 Additional information related to the chemical or the final regulatory action, if any

SECTION 3 PROPERTIES

3.1 Information on hazard classification where the chemical is subject to classification requirements

INSTRUCTION: The hazard classification given here should be for the active ingredient.

International classification systems e.g. WHO, IARC, etc.	Hazard class

Other classification systems e.g. EU, USEPA	Hazard class

3.2 Further information on the properties of the chemical

3.2.1 Description of physico-chemical properties of the chemical

Reference

3.2.2 Description of toxicological properties of the chemical

Reference

3.2.3 Description of ecotoxicological properties of the chemical

Reference

SECTION 4 DESIGNATED NATIONAL AUTHORITY

Institution	
Address	
Name of person in charge	
Position of person in charge	
Telephone	
Telefax	
E-mail address	

Date, signature of DNA and official seal: _____

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Definitions for the purposes of the Rotterdam Convention according to Article 2:

(a) 'Chemical' means a substance whether by itself or in a mixture or preparation and whether manufactured or obtained from nature, but does not include any living organism. It consists of the following categories: pesticide (including severely hazardous pesticide formulations) and industrial;

(b) 'Banned chemical' means a chemical all uses of which within one or more categories have been prohibited by final regulatory action, in order to protect human health or the environment. It includes a chemical that has been refused approval for first-time use or has been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process and where there is clear evidence that such action has been taken in order to protect human health or the environment;

(c) 'Severely restricted chemical' means a chemical virtually all use of which within one or more categories has been prohibited by final regulatory action in order to protect human health or the environment, but for which certain specific uses remain allowed. It includes a chemical that has, for virtually all use, been refused for approval or been withdrawn by industry either from the domestic market or from further consideration in the domestic approval process, and where there is clear evidence that such action has been taken in order to protect human health or the environment;

(d) 'Final regulatory action' means an action taken by a Party, that does not require subsequent regulatory action by that Party, the purpose of which is to ban or severely restrict a chemical.

Annex 8.5.3 Severely Hazardous Pesticide Formulation Report Forms – Human Health Incidents

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

UNEP

Introduction to the Severely Hazardous Pesticide Formulation Report Form - Human Health Incidents

The severely hazardous pesticide formulation report form consists of three sections:

Introduction, the text is intended to provide relevant background information on the Rotterdam Convention and how the information collected by the form and submitted by the Designated National Authority will be used.

Part A is to be completed by the Designated National Authority once he/she receives Part B from the field. It reflects the information requirements of part 1 of Annex IV of the Convention. There is some redundancy between Parts A and B of the form particularly with respect to information on product identity. It was thought that this redundancy might help countries to consolidate responses by using Part A of the form to report on more than one incident for the same formulation.

Part B is designed to provide "*a clear description of the incidents related to the problem, including the adverse effects and the way in which the formulation was used*" (part 1 paragraph g of Annex IV of the Convention). The form has been constructed around these points. It consists of a series of closed questions or checklist that captures the basic information needed with options for including additional information where it is available.

SEVERELY HAZARDOUS PESTICIDE FORMULATION REPORT FORM – HUMAN HEALTH INCIDENTS

Purpose of this form

The Severely Hazardous Pesticide Formulation (SHPF) Report form was developed to facilitate the identification of candidate formulations for inclusion in the Rotterdam Convention. The Convention provides a mechanism for countries to decide whether or not they wish to receive future shipments of such pesticide formulations and for ensuring compliance with these decisions by exporting countries.

What is the Rotterdam Convention?

The Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade promotes a shared responsibility between importing and exporting Parties in the international trade of certain hazardous chemicals. It gives importing countries the power to decide which chemicals they want to receive and to exclude those they cannot manage safely. The Convention includes provisions for developing countries and countries with economy in transition, that are experiencing problems with severely hazardous pesticide formulations under conditions of use, to identify the formulations as candidates for inclusion in the Convention. Further information on the operation of the Rotterdam Convention may be found at www.pic.int

What is the severely hazardous pesticide formulation report form?

This form consists of two parts Part A and Part B. Part A (Transmittal Form) is to be used by the Designated National Authority (DNA) to transmit an incident report form to the Secretariat. Part B (Pesticide Incident Report Form) has been developed to collect the information required by the Convention, that is a clear description of the incidents related to the use of a severely hazardous pesticide formulation, including the adverse effects and the way in which the formulation was used. Part B of the form consists of a series of closed questions or checklist that captures the basic information needed with options for including additional information where it is available. It is fully compatible with programs collecting quantitative information on pesticide poisonings in support of epidemiological studies or national programmes concerning the reporting of adverse effects associated with pesticide use. The format has been developed so that it might be widely used by States, aid agencies, intergovernmental organizations and non-governmental organizations etc., in reporting on pesticide incidents. If there are other formats available that meet the information requirements of Parts 1 and 3, Annex IV of the Convention, they may also be used in preparing a submission and forwarded through the DNA to the Secretariat together with Part A of the SHPF form. There is some redundancy between Parts A and B of this form. It was thought that this might help countries to consolidate responses by using Part A of the form to report on more than one incident for the same formulation.

What happens to the completed form?

Once Part B- Incident report form has been completed to the extent possible based on the information available, it should be forwarded to the DNA. The DNA is to coordinate the completion of Part A- Transmittal form and forward the entire document to the Secretariat. The Secretariat is required to collect additional information including physico-chemical and toxicological properties of the pesticide formulation, information on incidents related to the formulation in other States, the existence of handling or applicator restrictions in other states and risk and/or hazard evaluations where available. This information along with the completed form is reviewed by the Chemical Review Committee (CRC). The CRC will decide whether or not to recommend the inclusion of the pesticide formulation in the Rotterdam Convention.

Your cooperation in completing this form and your contribution for the identification of severely hazardous pesticide formulations posing problems under conditions of use is greatly appreciated. If you have any questions or comments relating to the completion of this form please contact the Secretariat at the address below.

Secretariat for the Rotterdam Convention
Food and Agriculture Organization
of the United Nations (FAO)
Viale delle Terme di Caracalla
00100 Rome, Italy
Tel: (+39 06) 5705 3441
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Secretariat for the Rotterdam Convention
United Nations Environment
Programme (UNEP)
11-13, Chemin des Anémones
CH – 1219 Châtelaine, Geneva, Switzerland
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E-mail: pic@pic.int

PART A – TRANSMITTAL FORM – DESIGNATED NATIONAL AUTHORITY

INFORMATION REQUIRED FROM A DESIGNATED NATIONAL AUTHORITY

1 Name of the formulation : .....

2 Type of formulation: (*for example EC, WP, DP, GR, TB*).....

3 Trade name and name of producer, if available:.....

4 Name of the active ingredient or ingredients in the formulation: .....

5 Relative amount of each active ingredient in the formulation: .....(*% concentration*) .....

6 Attach copy of the label(s), if available (or describe the key aspects of the label: language, etc.).

7 Common and recognized patterns of use of the formulation within the country –

- the formulation is registered / permitted for use in the country?
- what uses are permitted?
- are there any handling or applicator restrictions specified as a condition of registration;
- information on the extent of use of the formulation, such as the number of registrations or production or sales quantity (indicate the source of information);
- other information on how the formulation is commonly/typically used in the country

(this information should be submitted on a separate sheet attached to the completed form)

8 A clear description of incidents(s) related to the problem, including adverse effects and the way in which the formulation was used (for example *Part B pesticide incident report form identifies key elements and appropriate level of detail*). Other report formats which may exist at the national level may also be used, provided they contain comparable information.

9 Any regulatory, administrative or other measure taken, or intended to be taken, by the proposing Party in response to such incidents.

Date, signature of DNA and official seal.....

PLEASE RETURN THE COMPLETED FORM TO:

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PART B - PESTICIDE INCIDENT REPORT FORM

This form should be completed for each individual exposed in a given incident - Where an incident involves more than one formulation please complete Section I and question 13 for each.

I. PRODUCT IDENTITY: What formulation was used when the incident took place.

1. **Name of the formulation:** .....

2. **Type of formulation (check one of the following)**

☐ Emulsifiable Conc. (EC) ☐ Wettable Powder (WP) ☐ Dustable powder (DP)

☐ Water Soluble Powder (SP) ☐ Ultra Low Volume (ULV) ☐ Tablet (TB)

☐ Granular (GR) ☐ other, please specify:

3. **Trade name and name of producer, if available:** .....

4. **Name of the active ingredient(s) in the formulation**: .....

5. **Relative amount of each active ingredient in the formulation:** .....
(*% concentration, g/l, etc.*)

6. **Attach copy of the label(s), if available.**

II. DESCRIPTION OF THE INCIDENT: How the formulation was used.

7. **Date of incident: (MM/DD/Year)** .....

8. **Location of incident:** village/city: .....

province/state/region:.....

country: .....

9. **Person exposed (identity should be checked and recorded before submission of the form)**

Sex: ☐ male ☐ female ☐ age:

If age unknown: ☐ child (<14yrs) ☐ adolescent (14-19 yrs) ☐ adult (>19yrs)

10. **Main activity at time of exposure (check one or more of the following):**

☐ application in field ☐ mixing/loading ☐ veterinary therapy

☐ household application ☐ vector control application ☐ human therapy

☐ re-entry to treated field ☐ other, please specify: .....

11. Was protective clothing used during application? ☐ **No** ☐ **Yes**

If no, please explain why: .....

If yes, briefly describe (check one or more of the following):

☐ gloves ☐ overalls ☐ eye glasses ☐ respirator ☐ face mask

☐ boots/shoes ☐ long-sleeve shirt ☐ long pants ☐ other, please specify: .....

12. Information on how product was being used:

(a) Location of exposure/incident (*field, garden, greenhouse, house, etc.*) .....

(b) List the animals/crop(s)/stored products treated if relevant: .....

(c) Application method: *(How product was used e.g. hand, bucket & brush, soil injection, spray (backpack, tractor mounted, etc), drip irrigation, aerial (helicopter, plane etc.))*:

d) Dose applied/concentration (*or amount of pesticide applied*) .....

(e) Duration of the exposure period: ☐ hours ☐ ½ day ☐ day

☐ other (specify): .....

13. If more than one pesticide formulation was used at the same time, please respond to points i) to iv) below for each formulation. (*see also Part I Product Identity*)

i) Was the pesticide in its original container? ☐ No ☐ Yes

ii) Was the label available? ☐ No ☐ Yes

If Yes, was exposed individual able to read and understand label? ☐ No ☐ Yes

iii) Does the label include the reported use? ☐ No ☐ Yes

If no, describe how the use reported above differs from that recommended on the label:

(*use a separate page if necessary*)

iv) Is the reported incident typical of how the formulation is generally used? ☐ No ☐ Yes

14. Climatic conditions under which the incident occurred (*e.g. temperature, relative humidity,...*):

.....

15. Were other individuals affected in the same incident? ☐ No ☐ Yes

16. **Include any other details that may be useful in describing the incident and the way in which the formulation was used, in particular how the use reported here reflects common or recognized use patterns for this formulation** *(additional pages may be attached)*.

III. DESCRIPTION OF ADVERSE EFFECTS:

17. **Individual's reaction** ***(check one or more of the following)*****:**

☐ dizziness ☐ headache ☐ blurred vision ☐ excessive sweating

☐ hand tremor ☐ convulsion ☐ staggering ☐ narrow pupils/miosis

☐ excessive salivation ☐ nausea/vomiting ☐ other, please specify:

☐ death

18. **Route of exposure** (*check main route or more than one if applicable*)

☐ mouth ☐ skin ☐ eyes ☐ inhalation

☐ other, please specify: .....

19. **How soon after last use of the formulation were the adverse effects observed:**

IV. MANAGEMENT:

20. **Treatment given:** ☐ No ☐ Yes ☐ Unknown
Hospitalization: ☐ No ☐ Yes ☐ Unknown

21. **Include any other details/information regarding treatment including medical intervention/first aid/ hospitalization/local practices etc.,** (*additional pages may be attached*):

V. REPORTING/COMMUNICATION:

22. Date of data collection/consultation:.....

23. Name and address of investigator/data collector:.....

24. Category of investigator/data collector:

☐ medical ☐ paramedical ☐ non-medical

If non-medical, then specify type of person (applicator, formulator, vendor, extension worker, manager, etc.):

.....

25. Contact if further information if needed: Tel:.....

Fax: ..... E.mail: .....

26. Has this incident been reported elsewhere? ☐ No ☐ Yes

If yes, where:.....

Send the completed incident report form to the Designated National Authority.
(Name and address of the DNA)

Annex 8.5.4 Severely Hazardous Pesticide Formulation Report Forms – Environmental Incidents

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

UNEP

Introduction to the Severely Hazardous Pesticide Formulation Report Form – Environmental Incidents

The severely hazardous pesticide formulation report form consists of three sections:

Introduction, the text is intended to provide relevant background information on the Rotterdam Convention and how the information collected by the form and submitted by the Designated National Authority will be used.

Part A is to be completed by the Designated National Authority once he/she receives Part B from the field. It reflects the information requirements of part 1 of Annex IV of the Convention. There is some redundancy between Parts A and B of the form particularly with respect to information on product identity. It was thought that this redundancy might help countries to consolidate responses by using Part A of the form to report on more than one incident for the same formulation.

Part B can be completed by any competent person. It is designed to provide "*a clear description of the incidents related to the problem, including the adverse effects and the way in which the formulation was used*" (part 1 paragraph g of Annex IV of the Convention). The form has been constructed around these points. It consists of a series of closed questions or checklist that captures the basic information needed with options for including additional information where it is available.

SEVERELY HAZARDOUS PESTICIDE FORMULATION REPORT FORM - ENVIRONMENTAL INCIDENTS

INTRODUCTION

Purpose of this form

The Severely Hazardous Pesticide Formulation (SHPF) Report Form - Environmental Incident Report Form - was developed to facilitate the identification of candidate formulations with environmental concerns for inclusion in the Rotterdam Convention. A similar form was developed for reporting health incidents. The Convention provides a mechanism for countries to decide whether or not they wish to receive future shipments of such pesticide formulations and for ensuring compliance with these decisions by exporting countries.

What is the Rotterdam Convention?

The Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade promotes a shared responsibility between importing and exporting Parties in the international trade of certain hazardous chemicals. It gives importing countries the power to decide which chemicals they want to receive and to exclude those they cannot manage safely. The Convention includes provisions for developing countries and countries with economy in transition, that are experiencing health or environmental problems with severely hazardous pesticide formulations under conditions of use, to identify such formulations as candidates for inclusion in the Convention. Further information on the operation of the Rotterdam Convention may be found at www.pic.int.

What is the severely hazardous pesticide formulation report form?

The form consists of two parts: – the Transmittal Form (Part A) – is to be used by the Designated National Authority (DNA) to transmit the Environmental Incident Report Form (Part B – EIRF) to the Secretariat. The Environmental Incident Report Form has been developed to meet the information requirements of the Convention, that is a clear description of the environmental incidents related to the use of a severely hazardous pesticide formulation, including the adverse effects and the way in which the formulation was used. Part B of the form consists of a series of closed questions or checklist that captures the basic information needed with options for including additional information where it is available. Although programmes for collecting quantitative information on environmental incidents of pesticides may not be implemented in many countries, use of such national programmes for reporting environmental incidents should be made, where they exist. The format has been developed so that it might be widely used by States, aid agencies, intergovernmental organizations and non-governmental organizations etc., in reporting on environmental incidents related to the use of severely hazardous pesticide formulations. If there are other formats available, they may be used in preparing a submission to the Secretariat and forwarded through the DNA using Part A of the SHPF form provided that they meet the information requirements of Parts 1 and 3 of Annex IV of the Convention. There is some redundancy between Parts A and B of this form. It was thought that this might help countries to consolidate responses by using Part A of the form to report on more than one incident for the same formulation.

What is an environmental incident?

For the purposes of this incident report form, an environmental incident is defined as the contamination of land, water and/or air by a severely hazardous pesticide formulation (SHPF) causing the temporary or permanent impairment or mortality of non-target organisms or biological processes under the "conditions of use" in developing countries or countries with economies in transition (Article 6). In this instance, "conditions of use" does not include accidental spills/leaks, nor deliberate misuse of an SHPF, and is clearly limited to effects caused by a certain formulation of a substance. The following are some examples of potential incidents:

- the poisoning of birds or other wildlife that ingest granular insecticides used for soil treatment. Such incidents may result from the application method (e.g. broadcast application rather than injection into the soil) or from the behaviour of non-target organisms (e.g. scavenging of granules).

- the poisoning of aquatic organisms due to the contamination of a stream or pond. Such incidents may occur if

sufficient buffer zones between treated areas and waterways were not observed.

- the severe disturbance of non-target populations (e.g. honey bees, earthworms, beneficial insects).

What happens to the completed form?

Once Part B - Environmental Incident Report Form - has been completed to the extent possible based on the information available, it should be forwarded to the DNA. The DNA is to coordinate the completion of Part A - Transmittal form - and forward the entire document to the Secretariat. The Secretariat is required to collect additional information including physico-chemical and eco-toxicological properties of the pesticide formulation, information on environmental incidents related to the formulation in other States, and the existence of environmental restrictions or environmental guidelines in other states, or relevant evaluations, where available. This information along with the completed form is reviewed by the Chemical Review Committee (CRC). The CRC will decide whether or not to recommend the inclusion of the pesticide formulation in the Rotterdam Convention.

Your co-operation in completing this form and your contribution for the identification of severely hazardous pesticide formulations posing environmental problems under conditions of use is greatly appreciated. If you have any questions or comments relating to the completion of this form please contact the Secretariat at the address below.

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Severely Hazardous Pesticide Formulation Report Form

PART A - TRANSMITTAL FORM - DESIGNATED NATIONAL AUTHORITY

Information required from a Designated National Authority

1 Name of the formulation :.....

2 Type of formulation: (*for example EC, WP, DP, GR, TB*) .....

3 Trade name and name of producer, if available: .....

4 Name of the active ingredient or ingredients in the formulation:.....

5 Relative amount of each active ingredient in the formulation: .....(*% concentration*).....

6 Attach copy of the label(s), if available (or describe the key aspects of the label: language, etc.).

7 Common and recognized patterns of use of the formulation within the country –

- the formulation is registered / permitted for use in the country?
- what uses are permitted?
- are there any handling or applicator restrictions specified as a condition of registration;
- information on the extent of use of the formulation, such as the number of registrations or production or sales quantity (*indicate the source of information*);
- other information on how the formulation is commonly/typically used in the country

(this information should be submitted on a separate sheet attached to the completed form)

8 A clear description of incidents(s) related to the problem, including adverse effects and the way in which the formulation was used (*for example Part B pesticide incident report form identifies key elements and appropriate level of detail*). Other report formats which may exist at the national level may also be used, provided they contain comparable information.

9 Any regulatory, administrative or other measure taken, or intended to be taken, by the proposing Party in response to such incidents.

Date, signature of DNA and official seal:

PLEASE RETURN THE COMPLETED FORM TO:

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Severely Hazardous Pesticide Formulation Report Form

PART B – ENVIRONMENTAL INCIDENT REPORT FORM

Note: If the reported incident is associated with the use of a mixture of more than one formulation, Section 2 (Product Identity) should be completed separately for each of the formulations. The remaining Sections of the form that describe how the formulation was used, the incident, adverse effects etc., need only be completed once for each incident.

In order to help keep the form as simple as possible, the term formulation is used throughout and refers to the chemical product (herbicide, insecticide, etc). For those incidents involving more than one formulation, it is understood that the use of this term in Sections 4–7 will refer to the mixture that was applied.

SECTION 1. NUMBER OF FORMULATIONS USED

1. How many formulations were used when the incident took place?

(*Please circle or fill in number and proceed as indicated*)

a. One formulation was used. ☐ Yes ☐ No

If yes, ***complete Section 2 (Product Identity) once.***

If no,

b. ..... (number) different formulations were used at the same time (e.g. tank mix of a herbicide and a fungicide)

c. Please list the individual formulations here:

e.g. Monitor (methamidophos 60 EC)

Formulation 1: .....

Formulation 2:.....

Formulation 3: .....

Please complete Section 2 (Product Identity) for each of the listed formulations.

SECTION 2. PRODUCT IDENTITY: FORMULATION USED AND ITS PREPARATION

Please complete this section for each formulation used

2. Name of the formulation?

3. Type of formulation (*please tick*):

☐ Emulsifiable concentrate (EC) ☐ Wettable powder (WP) ☐ Dustable powder (DP)
☐ Water soluble powder (SP) ☐ Ultra low volume (ULV) ☐ Tablet (TB)
☐ Granular (GR) ☐ Other (*please specify*): _____

4. Trade names and names of the producer/manufacturer, if available:

5. Name of the active ingredient(s) in the formulation:

6. What is the name and relative amount of each active ingredient (a.i.) in the formulation?

% concentration: .....

grams a.i/litre or:.....

ounce a.i /gallon or: .....

grams a.i./kg or:.....

ounce a.i/pound:.....

7. Attach a copy of the label(s) and instructions for use, if available to this form (or describe the key aspects of the label: language, use instructions, etc). Label attached ☐ Yes ☐ No

8. What was the intended use (*please tick*)

☐ Insecticide ☐ Herbicide ☐ Tick control ☐ Rodenticide
☐ Fungicide ☐ Unknown ☐ Other (*specify*) .....

9. Are there any use restrictions or prohibitions regarding the use of this formulation or the active ingredient (*e.g. use of safety equipment, application restrictions*)?

☐ No

☐ Yes (*please specify*)

.....

10. Was the formulation used as purchased or was it changed in any way?

☐ Used as purchased

☐ Changed (*please specify how*):

.....

11. Was the formulation in its original container?

a. ☐ No (*go to b*)

☐ Yes (*go to Question 13*)

b. Did the repackaged formulation have a copy of the label attached?

☐ No

☐ Yes

12. Preparation of formulation:

a. Was the formulation (as outlined in Questions 2–8) mixed with a carrier or diluent before use (e.g. mixed with liquid, powder, bran)?

☐ No (*go to Question 13*)

☐ Yes

If yes,

b. How was the mixture prepared (e.g. mixed with water, diesel)?

.....

c. What was the mixing ratio? (*circle appropriate unit*)

..... litre or kg/lbs of formulation per ..... litre or kg/lbs of carrier/diluent

d. Was the mixture used immediately or was it stored?

☐ Used immediately

☐ Stored (please specify)

For how long? ..... hours/days/weeks (*circle appropriate unit*)

13. Application rate:

a. What was the application rate used?

..... e.g.: g a.i./ha; litre/ha; lb/acre (*circle appropriate unit*) or specify .....

b. How much of the chemical product / or active ingredient (a.i.) was used?
For multiple applications, please estimate the total amount released. (*circle appropriate unit*)

Total amount: ..... (L; gallons; kg; or lb)

Concentration: ..... (g a.i./L; oz a.i./gallon; g a.i./kg; or oz a.i./lbs)

SECTION 3. DESCRIPTION OF APPLICATION

14. Location where the formulation was used?

Nearest village/city: .....

Province/state/region/district: .....

Country: .....

15. Date of application(s)

a. What were the date(s) (if known) the formulation was used?

Beginning: ..... End: .....

16. Was it a single or multiple application?

☐ Single application

☐ Multiple application (*please specify*)

Number of applications: .....

Approximate date of each application: .....

17. Were any other pesticides used in the same area at the time of the incident?

18. Treated area and target pest:

a. What was the type of crop or situation treated (e.g. maize, grassland, forest, pond)?

.....

b. What was the target pest (e.g. weeds in maize, locusts in grasslands, moths in forests, mosquitoes in ponds)?

.....

19. Conduct of application

a. How was the formulation applied (method of application)?

☐ By hand ☐ Backpack sprayer ☐ Tractor-mounted sprayer

☐ Aircraft ☐ In-furrow applicator ☐ Hand-held sprayer

Other method (please specify) .....

b. What were the weather conditions at the time of application?

Temperature: ☐ Hot ☐ Warm ☐ Cool

Sunny or cloudy: .....

Rain: ☐ Light ☐ Medium ☐ Heavy

Wind speed: ☐ Light ☐ Strong

Direction: .....

General description of conditions: .....

c. What were the weather conditions for the few days after application?

Temperature: ☐ Hot ☐ Warm ☐ Cool

Sunny or cloudy: .....

Rain: ☐ Light ☐ Medium ☐ Heavy

Wind speed: ☐ Light ☐ Strong

Direction: .....

General description of conditions: .....

20. Please provide any relevant information regarding the person applying the formulation (e.g. level of training, literacy)

SECTION 4. DESCRIPTION OF THE INCIDENT

21. What was the date when the incident was first noticed?

22. Location of the incident. Was the location of the incident, the same location of the area treated?
Please indicate where the incident occurred (be as specific as possible).

☐ Yes (*as specified in Section 3 Question 14*)

☐ No (*please specify Geographical coordinates, if available*)

Village/city: .....

Province/state/region/district: .....

Country: .....

23. Please indicate where the incident occurred and the size of the area affected, by completing all areas of the following table that apply. Please be as specific as possible; mark all boxes as appropriate:

Environment Affected	**Size of area or volume affected** (write a number)	**Units** (circle appropriate units)
Land ☐ Home garden ☐ Farm field ☐ Grassland ☐ Other		m^2 hectare (ha) km^2 acre Other (specify) .....
Fresh Water ☐ Fish pond ☐ Stream ☐ River ☐ Lake ☐ Sediments ☐ Other.....		**Surface Area** m^2, ha, km^2,acre or Other (specify) ..... **Volume** L, m^3 or Other (specify) .....
Salt Water ☐ Estuary ☐ Bay ☐ Ocean ☐ Sediments ☐ Other		**Surface Area** m^2, ha, km^2 or Other (specify) ..... Volume L, m^3 or Other (specify) .....

24. Please draw a rough map of the area around the incident. (Indicate scale if possible).

Use the box below or attach to the back of this form. Please include:

a. the area affected;

b. any nearby waterways that were, or could be, affected and the direction of water flow;

c. location of any affected non-target organisms that were found;

d. location where the formulation was applied;

e. any other details which may further clarify the incident (e.g. topography, soil properties, water table).

25. Please describe any other details, additional information or facts that are not captured elsewhere in this form that further explain the cause of the incident, how it occurred, the result and any remediation efforts *(attach extra pages if required)*.

SECTION 5. DESCRIPTION OF ADVERSE EFFECTS

26. Identify the non-target organism(s) adversely affected in the incident, including the number affected. Please be as specific as possible (common names and if possible scientific names) and complete as much as possible. Examples are provided in the table below.

SPECIES OF ANIMAL OR PLANT	NUMBER OR PROPORTION AFFECTED	AGE OR DEVELOPMENT STAGE (E.G. JUVENILE, LARVAL, SEEDLING)	OBSERVATIONS (E.G. ABNORMAL MORPHOLOGY OR BEHAVIOUR, TOXICOLOGICAL SYMPTOMS)	DURATION OF EFFECT (INCLUDING DATE OF DEATH OR RECOVERY)
Examples				
Terrestrial vertebrate e.g. *Domestic cattle*	10	Adults	Excessive salivating, loss of balance, lethargy.	Recovered 26 May 2002
Birds – e.g. *Mallard ducks*	40	Adults and juveniles	Disoriented, ruffled appearance, head lesions	Recovered 30 May 2002
	6	juveniles	Disoriented, lethargy	Recovered 21 May 2002
	5	juveniles	Disoriented, lethargy	Died 22 May 2002
Fish e.g. *various species*	numerous	All size classes	Dead fish on riverbank up to 3km downstream of treatment area	No information
Invertebrates *e.g. honey bee*	100 colonies	Foraging during peak of flowering period	Colonies dead	All cases reported within 20 days post-application
Vegetation *e.g. grassland*	4 acres	Flowering	Wilted, yellowing	Dead patches

27. Was there any indirect evidence of severe hazards to non-target organisms (e.g. unexpected population declines, disappearance of certain species in the incident area)?

☐ No ☐ Yes (Please describe these effects)

28. Please provide any other relevant information such as:

a. links between the use of the formulation (Section 4) and observed effects in non target organisms (question 26):

.....

b. any analytical measurements, if available, which confirm residues of active ingredient(s) in soil, water, air or biological tissues ☐ No ☐ Yes

SECTION 6. MANAGEMENT

29. What practical steps (if any) were taken at the time the incident occurred to limit or stop its further impact on the environment (excluding administrative and regulatory actions)?

30. What steps (if any) were taken to clean up the area after the incident or to rehabilitate any species affected in the incident?

SECTION 7. REPORTING/COMMUNICATION

31. Date of data collection/consultation: .....

32. Name and address of investigator/data collector:

33. Category of investigator/data collector (e.g. environmental scientist, agricultural officer, government representative):

34. Contact if further information needed:

Telephone: .....

Fax: .....

E-mail: .....

35. Has this incident been reported elsewhere?

☐ No

☐ Yes (who was it reported to)

.....

36. Have similar incidents happened in that area before?

☐ No ☐ Yes

If yes, were they reported?

☐ No ☐ Yes

Please send the completed incident report form to the Designated National Authority.
(Name and address of the DNA)

DNA- please attach all forms to Part A – Transmittal Form

Annex 8.6 Harmonized System Codes assigned to chemicals in Annex III to the Rotterdam Convention[1]

Annex III Chemicals and Pesticides	CAS number(s)	HS Code Pure Substance	HS Code Mixtures, Preparations containing Substance	Com-ment
2,4,5-T and its salts and esters	93-76-5	2918.91	3808.50	
Aldrin	309-00-2	2903.52	3808.50	
Binapacryl	485-31-4	2916.36	3808.50	
Captafol	2425-06-1	2930.50	3808.50	
Chlordane	57-74-9	2903.52	3808.50	
Chlordimeform	6164-98-3	2925.21	3808.50	
Chlorobenzilate	510-15-6	2918.18	3808.50	
DDT	50-29-3	2903.62	3808.50	
Dieldrin	60-57-1	2910.40	3808.50	
Dinitro-ortho-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	2908.99	3808.91 - Insecticides 3808.92 - Fungicides 3808.93 - herbicides, anti-sprouting products and plant-growth regula-tors	
Dinoseb and dinoseb salts	88-85-7	2908.91	3808.50	
Dinoseb acetate	2813-95-8	2915.36		
1,2-dibromoethane (EDB)	106-93-4	2903.31	3808.50	
Ethylene dichloride	107-06-2	2903.15	3808.50	
Ethylene oxide	75-21-8	2910.10	3808.50	
Fluoroacetamide	640-19-7	2924.12	3808.50	
HCH (mixed isomers)	608-73-1	2903.51	3808.50	
Heptachlor	76-44-8	2903.52	3808.50	
Hexachlorobenzene	118-74-1	2903.62	3808.50	
Lindane	58-89-9	2903.51	3808.50	
Mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl and aryl mercury compounds (CAS numbers)	– See also: http://www.pic.int/en/Cas Numbers/mercury%20 compoundss%20 CAS%20 numbers.pdf	2852.00	3808.50	

1 The World Customs Organization in June 2004 adopted amendments to the Harmonized System (HS) nomenclature and has assigned specific HS codes to the individual chemicals or groups of chemicals listed in Annex III to the Rotterdam Convention. These amendments will enter into force on 1 January 2007.

Annex III Chemicals and Pesticides	CAS number(s)	HS Code Pure Substance	HS Code Mixtures, Preparations containing Substance	Comment
Monocrotophos	6923-22-4	2924.12	3808.50	
Parathion	56-38-2	2920.11	3808.50	
Pentachloroph-enol and its salts and esters	87-86-5	2908.11 - Pentachlorophenol 2908.19 - salts of Pentachlorophenol	3808.50 - only pesticides containing pentachlorophenol 3808.91, 92, 93, 94, 99 - pesticides contain-ing salts or esters of pentachlorophenol	
Toxaphene	8001-35-2	–	3808.50	
Dustable powder formulations containing a combination of: - Benomyl at or above 7 per cent, - Carabofuran at o above 10 per cent, and - Thiram at or above 15 per cent	17804-35-2 1563-66-2 137-26-8	_	3808.92	
Methamidophos (Soluble liquid formulations of the substance that exceed 600 g active ingredient/l)	10265-92-6	2930.50	3808.50	
Phosphamidon (Soluble liquid formulations of the substance that exceed 1000 g active ingredient/l) (mixture, (E)&(Z) isomers) ((Z)-isomer) ((E)-isomer)	13171-21-6 23783-98-4 297-99-4	2924.12	3808.50	
Methyl-parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient)	298-00-0	2920.11	3808.50	

Annex III Chemicals and Pesticides	CAS number(s)	HS Code Pure Substance	HS Code Mixtures, Preparations containing Substance	Comment
Asbestos		2524.10 - Crocidolite 2524.90 - Other	Articles of asbestos-cement, of cellulose fibre-cement or the like 6811.40 – Containing asbestos Fabricated asbestos fibres; mixtures with a basis of asbestos or with a basis of asbestos and magnesium carbonate; articles of such mixtures or of asbestos (for example, thread, woven fabric, clothing, headgear, footwear, gaskets), whether or not reinforced, other than goods of heading 68.11 or 68.13 6812.91 – Clothing, clothing accessories, footwear and headgear 6812.92 – Paper, millboard and felt 6812.93 – Compressed asbestos fibre jointing in sheets or rolls 6812.99 - Other Friction material and articles thereof (for example, sheets, rolls, strips, segments, discs, washers, pads), not mounted, for brakes, clutches or the like, with a basis of asbestos, of other mineral substances or of cellulose, whether or not combined with textile or other materials 6813.20 – Containing asbestos	
Crocidolite	12001-28-4	2524.10	6812.80	
Actinolite	77536-66-4	2524.90	Fabricated asbestos fibres; mixtures with a basis of asbestos or with a basis of asbestos and magnesium carbonate; articles of such mixtures or of asbestos (for example, thread, woven fabric, clothing, headgear, footwear, gaskets), whether or not reinforced, other than goods of heading 68.11 or 68.13 6812.91 – Clothing, clothing accessories, footwear and headgear 6812.92 – Paper, millboard and felt 6812.93 – Compressed asbestos fibre jointing in sheets or rolls 6812.99 - Other	
Anthophyllite	77536-67-5	2524.90		
Anthophyllite	12172-73-5	2524.90		
Tremolite	77536-68-6	2524.90		

Annex III Chemicals and Pesticides	CAS number(s)	HS Code Pure Substance	HS Code Mixtures, Preparations containing Substance	Comment
Polybrominated biphenyls (PBB) (hexa-) (octa-) (deca-)	1336-36-3 27858-07-7 13654-09-6	_	3824.82	
Polychlorinated biphenyls (PCB)	(1336-36-3) see also: http://www.pic.int/en/CasNumbers/P CB % 20 CAS %20 number.pdf	_	3824.82	
Polychlorinated terphenyls (PCB)	61788-33-8	_	3824.82	
Tetramethyl lead	78-00-2	2931.00	e.g., 3811.11 - Anti-knock preparations based on lead compounds	No amend-ment in 2007 HS Revision
Tetramethyl lead	75-74-1	2931.00	e.g., 3811.11 - Anti-knock preparations based on lead compounds	No amend-ment in 2007 HS Revision
Tris (2, 3-dibromopropyl) phosphate	126-72-7	2919.10	3824.83	

Annex 8.7 Frequently Asked Questions

To provide specific and practical advice to Designated National Authorities (DNAs), based on questions that have been raised in the course of implementation of the Rotterdam Convention.

Q1. The Convention requires that governments provide Designated National Authorities (DNAs) with sufficient resources to perform their tasks effectively. What does this mean?

A. In order to ensure the implementation of the Convention, DNAs need to have powers to undertake or to have access to those areas of government responsible for the following:

– *regulatory decisions for the use of pesticides and industry chemicals and to notify the Secretariat of these decisions;*

– *controls on the import and export of chemicals;*

– *a mechanism to communicate the import responses contained in the PIC Circular to potential exporters;*

– *access to information on human and environmental poisoning incidents involving pesticides;*

– *making decisions on the future import of chemicals listed in Annex III of the Convention and to report these decisions to the Secretariat on behalf of the government;*

– *to have serve as contact point for matters related to the Rotterdam Convention with the Secretariat, other DNAs and national stakeholders.*

Q2. During the processing of an application by industry for the use of a chemical in our country, concerns about impacts on health (or the environment) were raised. Industry withdrew its application before this matter could be resolved. Should this be notified?

A. Possibly, yes. The Convention defines a ban or a severe restriction to include the situation where industry withdraws its application (or part of its application) because of health or environmental reasons. However, there is likely to be additional information required and a level of judgement made before a decision could be made to submit a notification to the Secretariat.

The DNA should be certain that the action taken by industry was because of health and/or environmental concerns and not for commercial reasons.

It should also be recognized that in many countries there is a level of negotiation between industry in applying for certain uses and the regulatory agency in setting an approved use that does not pose unacceptable risks. As a result of this negotiation the number of uses approved may be fewer than those originally requested or the way in which the pesticide is to be applied or the formulation type are changed. Where a large number of the uses originally sought are either withdrawn (or not approved) for health or environmental reasons then this might qualify as a severe restriction.

Q3. Our country has undertaken a reevaluation of the regulatory status of a chemical and found that there was insufficient data to support its continued use. As a consequence its use has been phased out. Should this be notified to the Secretariat?

A. No. Data deficiencies in themselves do not constitute an identifiable health or environmental concern. However, if the data deficiencies are such that continued use of the substance was considered to pose unacceptable health or environmental risks, and therefore the substance was banned or severely restricted, then this may be a sufficient basis on which to notify the Secretariat.

Q4. Our country had previously notified a ban of a hazardous chemical to the Secretariat. Subsequently, we have discovered that possible alternatives are ineffective and because of needs in our country, we have reapproved the original uses of the chemical until effective alternatives are found. Should we notify this change to the Secretariat?

A. Yes. This constitutes a change in the final regulatory action and should be conveyed to the Secretariat. Such a change could impact on the listing or possible listing of the chemical in Annex III of the Convention. If the chemical has not yet been included in Annex III then it would affect the obligations of your country with respect to the provision of export notifications.

Q5. Our country has failed to notify the Secretariat of certain valid final regulatory actions that it has taken. What are the consequences of this?

A. At this stage, there are no direct penalties in the Convention to be imposed upon countries in this situation. The issue of non-compliance is to be

continued to be discussed at meetings of the Conference of the Parties. However, the country will have lost an opportunity to alert other countries of concerns regarding a particular chemical.

If the failure to notify has meant that the chemical is not included in Annex III when it may otherwise have been listed, then the country will not be able to ensure that the chemical is not exported to it by Parties to the Convention.

Q6. There are many types of controls that countries can impose on the possession and use of chemicals. Which of these actually constitutes a ban or severe restriction?

A. A ban is where all uses of the chemical have been prohibited. A severe restriction is where virtually all use of the chemical has been prohibited.

The determination of whether a chemical has been severely restricted in line with the Convention will need to be determined on a case by case basis. For example:

– There may be final regulatory actions that impact on the use of the chemical but which do not significantly change its use. For instance, the restriction of the use of a pesticide or an industrial chemical to certain qualified operators will limit the number of persons who can use the chemical but all of the uses that are approved for the chemical will remain unchanged. Therefore, this is not a severe restriction.

– Similarly, the imposition of standards such as stringent environmental exposure limits, maximum residue limits (MRLs) or occupational exposure limits such as Threshold Limit Values (TLVs), do not by themselves modify the uses of the chemical and do not constitute a severe restriction.

– Regulatory controls requiring the use of protective clothing or safety equipment to minimize exposure also do not limit the uses and again would not be considered a severe restriction.

Q7. In our country a chemical was banned (or severely restricted) because its use caused wildlife kills but did not affect human health. Should this be notified to the Secretariat?

A. Yes. The Convention includes final regulatory actions (bans or severe restrictions) where the action was taken for human health OR environmental reasons.

Q8. Industry has failed to pay registration (or other) fees and the chemical has therefore been banned. Should this action be notified to the Secretariat?

A. No. Notifications of bans or severe restrictions must be made where the final regulatory action was taken for health and/or environmental reasons. A regulatory action based upon failure to pay fees does not relate to health or environmental concerns and is therefore not eligible for consideration under the Convention.

Q9. The use of a pesticide was banned in our country because it was seen that this might cause problems with our export trade in agricultural commodities due to residues for which our trading partners either had no Maximum Residue Limits (MRLs) or MRLs that were much lower than our national MRLs. Should this ban be notified to the Secretariat?

A. No. Only those actions based upon health or environmental concerns need to be notified. Concerns about impacts on trade are not a basis for notification of a final regulatory action. If there are concerns about the impacts of pesticide residues occurring in commodities in international trade then the country concerned should consider making a proposal for consideration of the relevant MRLs to the Codex Alimentarius Commission through its sub-ordinate committee the Codex Committee on Pesticide Residues (CCPR).

Q10. Several minor uses of a chemical have been banned in our country while 2 or 3 major uses remain permitted. Is this a severe restriction that should be notified to the Secretariat?

A. No. The treaty did not establish parameters for what constitutes major or minor uses, although the overall quantity of product still being used is a helpful indicator. In this case, even if the remaining uses are small in number they also constitute a major proportion of the amount of chemical used.

If the situation were that all major uses were banned and only 1 or 2 minor uses remain as approved uses then this action could be notified as a severe restriction.

The difficulty for some governments may be that they do not have quantitative information on the level of chemical used in each use and cannot therefore easily identify what is a major use or a minor use. In such situations governments may need to rely on qualitative opinion from experts in the various fields of use.

Q11. Because of the high toxicity of a chemical to fish, it is not approved for use within 30 metres of waterways. Is this a severe restriction?

A. No. Such a restriction does not limit the uses of the chemical.

Q12. Recent information on the hazards of a chemical and information on the exposure of workers to the chemical raised concerns for their health. Although several protective measures were proposed and investigated it was decided that the chemical could not be used in a way to guarantee the safety of the workers and consequently under our national legislation the chemical was banned or severely restricted. Should this be notified to the Secretariat?

A. Yes. This action contains the necessary elements for a valid final regulatory action. In making a notification the DNA should provide all the necessary information in Annex I of the Convention in relation to the hazards and risks from the use of the chemical, the outcome of their national evaluation and their regulatory action.

Q13. Concern was raised about possible health (or environmental) impacts regarding a chemical which led to industry reformulating the product and changing the application methodology for the chemical to reduce the risks. The new product replaced the original product and application technique. Should the removal of the original formulation and application technique be notified to the Secretariat as a ban?

A. No. The chemical remains in use in the country presumably for the same range of uses as was approved for the original formulation. Notification of this action to the Secretariat as a ban might only be expected where all uses of the original formulation had been prohibited by a final regulatory action.

Q14. Our country has banned a chemical because of health concerns. Current stocks are being allowed to be used until exhausted. Manufacture of the chemical in our country in recent years was solely for domestic consumption. This manufacture has now ceased and there appears to be no international trade in the Chemical. Should this chemical be notified?

A. Yes. Once a final regulatory action to ban or severely restrict a chemical has been adopted, the DNA is to notify the Secretariat. The notification should be made as soon as possible and no later than 90 days after the regulatory action has taken effect. The obligation to notify the Secretariat regarding a final regulatory action is independent of whether the chemical is in ongoing international trade.

If there were a notification from a second PIC region then the Secretariat would gather information including any indication of ongoing international trade in the chemical.

This information would be considered by the Chemical Review Committee in evaluating the chemical.

Q15. The Secretariat has notified that a chemical has been included in Annex III of the Convention. Are we required to ban all uses of this chemical in our country?

A. No. The inclusion of chemicals in Annex III is not an invitation for countries to ban their use. The purpose of the prior informed consent procedures is to allow countries to make their own informed decisions on future imports of the chemical. They should do this in the context of their own needs, circumstances and uses of the chemical.

If a country, however, decides to not allow any future import of the chemical under the Convention then they must also ensure that there is no domestic manufacture of the chemical for domestic use and that no imports of the chemical are accepted from any country including those that are not Parties to the Convention.

Q16. Many of the suicides in our country are the result of people ingesting pesticides. Based on such incidents, are such severely hazardous pesticides eligible for inclusion in Annex III of the Convention?

A. No. The Convention contains criteria which must be considered in evaluating the merits of listing a chemical in Annex III. One of these criteria specifies that intentional misuse is not an adequate basis on which to list a chemical in Annex III.

Q17 How do I know if a poisoning (or wildlife) incident has been caused by a particular hazardous pesticide formulation?

A. There needs to be sufficient evidence to demonstrate that the human health or environmental damage can be linked to the use of the chemical.

Systems need to be in place so that any incidents of human poisonings or damage to the environment are

reliably recorded together with information that may establish whether there is a link or not to chemical exposure.

Poison Control Centres and environmental monitoring networks enable countries to identify candidate chemicals for proposal as severely hazardous pesticide formulations.

There are often difficulties encountered in such incidents. These include that:

– the labelling of the containers does not identify what was the active ingredient or the formulation;

– farmers often mix two or more chemicals together in the one application making it difficult to identify which chemical is causing the problem;

– it is difficult to establish exactly what was the use pattern for the chemical;

– lines of reporting are not well known so that it is unknown as to where the information on the incidents should be sent; and

– there is a lack of technical expertise and other resources to enable a proper investigation to be carried out.

Countries should endeavour to establish systems and obtain information to overcome these difficulties.

Q18. A chemical included in Annex III of the Convention has never been used in our country and so has never been banned in our country. Is there any need to do anything in this case?

A. Yes. The fact that there has never been any registration or final regulatory action taken against a chemical in a particular country does not mean that an Import Response does not have to be completed for that chemical.

In many countries there are general provisions that do not allow the use or importation of any chemical that is not registered or approved for that use. This could be the basis for an import response for all unregistered/ unapproved chemicals in Annex III along the lines of no consent to import.

Q19. When our country becomes a Party to the Convention can we be assured that no chemicals listed in Annex III of the Convention will ever be exported to our country?

A. No. The act of becoming a Party to the Convention does not in itself obligate other Parties to ensure that there are no exports of the chemicals listed in Annex III to your country. It is necessary for you to provide an Import Response for each of the chemicals listed.

Q20. If our country indicates "no consent" in its importing country response regarding a chemical listed in Annex III of the Convention, as a Party can we expect that there will be no imports of this chemical into our country.

A. No. The obligations of the Convention only fall on those exporting countries that are Parties to the Convention. Although Parties to the Convention should not be exporting the chemical to your country, other non-Parties may continue to export the chemical to your country.

The Convention does require countries to strengthen their own chemicals management infrastructure and countries should therefore put in place mechanisms to ensure that there are no imports from countries that are not Parties to the Convention.

Q21. Our country does not manufacture any chemicals. Do we need to do anything more than provide import responses.

A. The obligations of the Convention fall on all Parties irrespective of the nature of their industries and trade in chemicals. This includes the requirement to nominate a designated national authority, notify final regulatory actions and ensure any exports from your country comply with the requirements offset out in the Convention.

Q22. What is the maximum quantity of a chemical listed in Annex III that can be imported for research purposes, under the Convention?

A. There is no amount specified in the Convention. Some countries in implementing the Convention have set a level of 10 kilograms whereas others have set lower amounts than this. What ever amount countries elect to apply, it is important to recognize that these should be small amounts compared to commercially traded quantities.

Q23. Our country does not allow the use of any chemicals included in Annex III of the Convention, therefore do we need to put in place an export notification scheme.

A. Export notifications apply to chemicals that have been banned or severely restricted in the exporting country. The obligation for export notification ceases when the chemical is included in Annex III, the importing party has provided an import response on this chemical

to the Secretariat and the response has been published in the PIC Circular.

Q24. Our national chemicals management legislation has provisions to ban or severely restrict a chemical but it has no provisions related to the export of a chemical. How do we control exports of chemical?

A. Different governments may elect to control the export of chemicals in different ways. Some may amend their existing legislative mechanisms for customs control, or chemicals registration legislation. Others may chose to develop separate legislation that will cover all of the obligations of the Convention.

A government will also need to make industry aware of the need to comply with importing country responses regarding exports of chemicals and encourage them to comply. In such a circumstance, a government would need to undertake efforts to monitor the situation and to have a mechanism to bring industry into line if exports were occurring contrary to the wishes of importing countries.

If the decision is that different provisions such as export controls relevant to the implementation of the Convention are placed in a different department, agency or office of the government to that of the DNA, then there will need to be liaison between these departments, agencies or offices. It may be appropriate that this be done through an inter-departmental committee.

Q25. An export of a chemical that is included in Annex III of the Convention as a pesticide is about to occur but the chemical also has a dual use as an industrial chemical. How do I know that it is being exported for use as a pesticide or an industrial chemical in the importing country?

A. This will usually require information from the importing country. This might be in the form of a declaration from the importing agent or the DNA of the importing country as to the intended use.

In the absence of the above declaration, information on whether the chemical is already formulated and labeled for pesticide use or for a specific industrial use may be available. At times the name and nature of business of the importer may also be helpful. If the importer is an agricultural supply company or a cooperative farming group then it is likely that it is to be imported as a pesticide.

If the importer is a general trader and the chemical is being shipped as a non-formulated concentrate then it may not be possible to determine the likely use category. In such circumstances the DNA should require confirmation of the intended use from the importing country.

Q26. Our country has just received an export notification for a chemical. What am I to do now?

A. You are required to acknowledge receipt of the export notification by sending a return message to that effect to the DNA of the exporting country.

The export notification advises that an export is about to occur of a chemical that has been banned or severely restricted in the country of export. Dependent upon the circumstances regarding the use of this chemical in your territory and the reasons for the regulatory action taken in the exporting country, there may be sufficient concern for your country to consider reviewing the regulatory status of this chemical.

Q27. I have been notified that an export of a chemical included in Annex III is about to occur from our territory to a country that has not yet provided an importing country response. What am I required to do?

A. The Convention requires that the exporting Party ensure that no export of a chemical listed in Annex III is sent to an importing Party even if it has failed to send an importing country response. This obligation begins 6 months after the Secretariat has notified countries that this failure has occurred and lasts for a period of 12 months after this date.

The exporting Party is able to export the chemical to the importing Party during this 12 month period, if it is known that the chemical: is registered in the importing country at the time of import; has been imported into the country of import and that no regulatory action has been taken against this action; or that the importing country has explicitly agreed to the import of the chemical.

Q28. In our country the manufacture and trade of chemicals involves numerous medium and small scale businesses rather than a limited number of large companies. How do we inform all these businesses of their responsibilities and the operation of the Rotterdam Convention ?

A. A large number of small enterprises can make it difficult to contact all such members of industry. This can be exacerbated if many of the industries are transient traders in chemicals and involved in trading

other commodities and products as demands and opportunities arise and disappear.

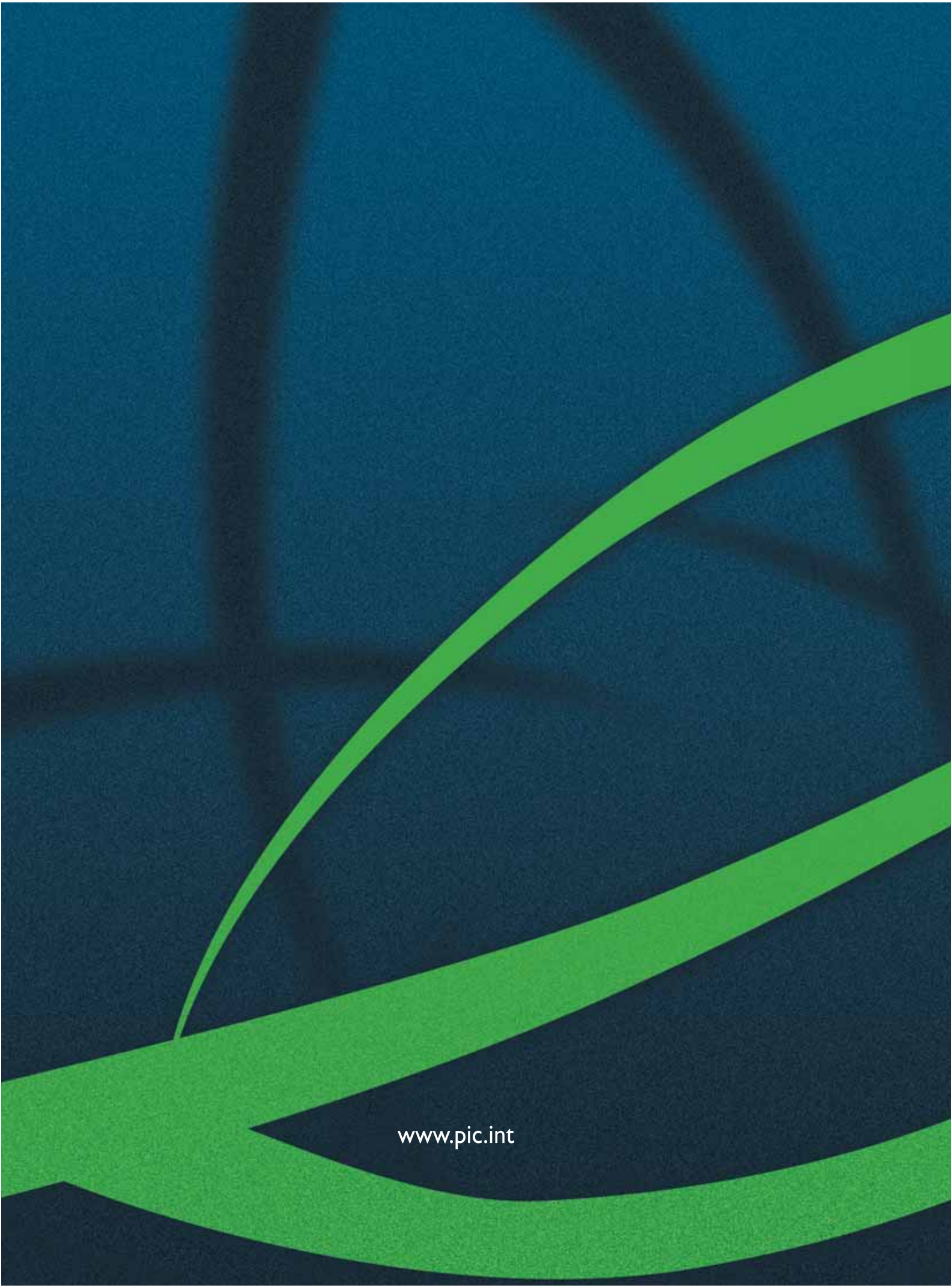
Ideally, contact should be made through a single or small number of points of contact. This might be done through industry associations or trade journals. If such mechanisms do not exist, or where they only provide contact with a relatively low proportion of industry members, governments may need to develop their own list of contacts. Such lists might be compiled from registration records, customs records or other trading activities.

Q29. The Decision Guidance Document (DGD) for a chemical listed in Annex III provides information on alternatives for that chemical. Can I be assured that these alternatives will work in my country?

A. No, not necessarily. Although every effort is made to collect comprehensive information on alternatives, the information in the DGD may be incomplete. A significant proportion of the information may come from the notifying countries and other information provided to the Secretariat by other countries. The alternatives identified have been reported to work effectively in the conditions of those countries. Particularly for pesticides, the uses and conditions in other countries may be quite different and the chemicals may be applied using different techniques and under different cultural practices. Likewise, information regarding alternatives may change over time as new information becomes available.

Ideally countries should seek to obtain supporting data demonstrating that the use of the proposed alternative is effective and that it poses no undue risks to human health and the environment. Governments should also consider non–chemical alternatives where they are applicable.

A clearinghouse mechanism, containing information provided by governments on alternatives to chemicals that are included in Annex III, is available through the Rotterdam Convention Web site (www.pic.int).


www.pic.int