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## Rotterdam Convention

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### 1. How did we get to have the Rotterdam Convention? Negotiation process

The dramatic growth in chemical production and trade during the past three decades has raised concerns about the potential risks posed by hazardous chemicals and pesticides. Countries lacking adequate infrastructure to monitor the import and use of these chemicals are particularly vulnerable.

In response to these concerns, UNEP and FAO started developing and promoting voluntary information exchange programmes in the mid-1980s. FAO launched its International Code of Conduct on the Distribution and Use of Pesticides in 1985 and UNEP established the London Guidelines for the Exchange of Information on Chemicals in International Trade in 1987. In 1989, the two organizations jointly introduced the voluntary Prior Informed Consent (PIC) procedure into these two instruments. Together, these instruments helped to ensure that governments had the necessary information to enable them to assess the risks of hazardous chemicals and to take informed decisions on their future import.

Seeing the need for mandatory controls, officials attending the 1992 Rio Earth Summit adopted Chapter 19 of Agenda 21, which called for a legally binding instrument on the PIC procedure by the year 2000. Consequently, the FAO Council (in 1994) and the UNEP Governing Council (in 1995) mandated their Executive Heads to launch negotiations. Talks

started in March 1996 and concluded in March 1998, two years in advance of the deadline set by the Rio Earth Summit.

As a clear testimony to the urgency attributed to addressing international trade in hazardous chemicals, between the adoption of the Convention and its entry into force, governments also agreed to operate the Convention on a voluntary basis as the Interim PIC Procedure.

The text of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade was adopted at the Diplomatic Conference held in Rotterdam on 10 September 1998.

During the interim period, over 170 countries designated some 265 national authorities (DNAs) to act on their behalf in the performance of the administrative functions required by the Convention.

The Convention entered into force on 24 February 2004 and became legally binding for its Parties.

## 2. An introduction to Rotterdam Convention

The objectives of the Convention are:

- 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;
- to contribute to the environmentally sound use of those hazardous chemicals, 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.

The Convention creates legally binding obligations for the implementation of the Prior Informed Consent (PIC) procedure. It built on the voluntary PIC procedure, initiated by UNEP and FAO in 1989 and ceased on 24 February 2006.

### Major Provisions:

The Convention covers pesticides and industrial chemicals that have been banned or severely restricted for health or environmental reasons by Parties and which have been notified by Parties for inclusion in the PIC procedure. One notification from each of two specified regions triggers consideration of addition of a chemical to Annex III of the Convention. Severely hazardous pesticide formulations that present a hazard under conditions of use in developing countries or countries with economies in transition may also be nominated for inclusion in Annex III.

There are 39 chemicals listed in Annex III of the Convention and subject to the PIC procedure, including 24 pesticides, 4 severely hazardous pesticide formulations and 11 industrial chemicals. Many more chemicals are expected to be added in the future. The Conference of the Parties decides on the inclusion of new chemicals.

Once a chemical is included in Annex III, a "decision guidance document" (DGD) containing information concerning the chemical and the regulatory decisions to ban or severely restrict the chemical for health or environmental reasons, is circulated to all Parties.

Parties have nine months to prepare a response concerning the future import of the chemical. The response can consist of either a final decision (to allow import of the chemical, not to allow import, or to allow import subject to specified conditions) or an interim response. Decisions by an importing country must be trade neutral (i.e., apply equally to domestic production for domestic use as well as to imports from any source).

The import decisions are circulated and exporting country Parties are obligated under the Convention to take appropriate measure to ensure that exporters within its jurisdiction comply with the decisions.

The Convention promotes the exchange of information on a very broad range of chemicals. It does so through:

- the requirement for a Party to inform other Parties of each national ban or severe restriction of a chemical;
- the possibility for Party which is a developing country or a country in transition to inform other Parties that it is experiencing problems caused by a severely hazardous pesticide formulation under conditions of use in its territory;
- the requirement for a Party that plans to export a chemical that is banned or severely restricted for use within its territory, to inform the importing Party that such export will take place, before the first shipment and annually thereafter;

- the requirement for an exporting Party, when exporting chemicals that are to be used for occupational purposes, to ensure that an up-to-date safety data sheet is sent to the importer; and
- labeling requirements for exports of chemicals included in the PIC procedure, as well as for other chemicals that are banned or severely restricted in the exporting country.

### 3. Read the Convention Text

To download the Convention Text [here](#).

If you want some general information about the negotiation at International Level of the Multilateral Environmental Agreements, you can have a look at International Meetings in the section What can I do?, and you can go a look at the official website <http://www.pic.int>

### 4. Governing bodies and structure

Parties and their Designated National Authorities (DNAs) – Parties are countries or regional economic integration organizations that have ratified, accepted, approved or acceded to the Convention. Each Party must designate one or more national authorities, which are the primary contact points for matters related to the operation of the Convention and are authorized to perform the administrative functions required by the Convention.

- Conference of the Parties (COP) - The Conference of the Parties oversees the operation of the Convention and makes decisions regarding amendments to the Convention, including the addition of chemicals to Annex III.

- Chemical Review Committee (CRC) - The Chemical Review Committee is a subsidiary body of the COP. Its members are government designated experts in chemicals management. Its responsibilities include reviewing notifications and proposals from Parties, and making recommendations to the COP on the addition of chemicals to Annex III.

- Secretariat - The Secretariat for the Rotterdam Convention is provided jointly by FAO and UNEP. The functions of the Secretariat include making administrative arrangements for meetings of the COP and its subsidiary bodies, verifying information accompanying notifications and proposals, disseminating import responses provided by the Parties, facilitating assistance to developing country Parties, facilitating information exchange between Parties and ensuring coordination with other international organizations.

To achieve its objectives the Convention includes two key provisions, namely the Prior Informed Consent (PIC) procedure and information exchange.

The Prior Informed Consent (PIC) procedure – The PIC procedure is a mechanism for formally obtaining and disseminating the decisions of importing Parties as to whether they wish to receive future shipments of those chemicals listed in Annex III of the Convention and for ensuring compliance with these decisions by exporting Parties.

The PIC Procedure is a mechanism for formally obtaining and disseminating the decisions of importing Parties as to whether they wish to receive future shipments of those chemicals listed in Annex III of the Convention and for ensuring compliance with these decisions by exporting Parties.

For each of the chemicals listed in Annex III and subject to the PIC procedure a decision guidance document (DGD) is prepared and sent to all Parties. The DGD is intended to help governments assess the risks connected with the handling and use of the chemical and make more informed decisions about future import and use of the chemical, taking into account local conditions.

All Parties are required to take a decision as to whether or not they will allow future import of each of the chemicals in Annex III of the Convention. These decisions, known as import responses, are sent to the Secretariat by the DNA. A listing of the import responses given for each chemical subject to the PIC procedure is circulated by the Secretariat to all DNAs every six months via the PIC Circular. Import decisions taken by Parties must be trade neutral, that is, if the Party

decides not to accept imports of a specific chemical, it must also stop domestic production of the chemical for domestic use and refuse imports from any source, including from non-parties.

All exporting Parties are required to ensure that exports of chemicals subject to the PIC procedure do not occur contrary to the decision of each importing Party. They should ensure that import responses published in the PIC Circular are immediately communicated to their exporters, industry and any other relevant authorities, such as the Department of Customs.

Information Exchange - The Convention facilitates information exchange among Parties for a very broad range of potentially hazardous chemicals. The Convention requires each Party to notify the Secretariat when taking a domestic regulatory action to ban or severely restrict a chemical. A developing country Party or a Party with an economy in transition that is experiencing problems caused by a severely hazardous pesticide formulation may report such problems to the Secretariat. All Parties receive summaries of these notifications and proposals on a regular basis via the PIC Circular.

When a chemical that is banned or severely restricted by a Party is exported from its territory, that Party must notify each individual importing Party before the first shipment and annually thereafter. Exports of banned or severely restricted chemicals, as well as chemicals subject to the PIC procedure, are to be appropriately labeled and accompanied by basic health and safety information in the form of a safety data sheet.

## 5. Contacts

The secretariat can be contacted at the following addresses:

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