



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

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### Compliance Committee for the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade Second meeting

Rome, 19–21 March 2024, and Online, 30 September 2024

Item 5 (a) of the agenda

**Review of systemic issues of general compliance:  
laws, regulations, policies, procedures and other  
measures to implement the Rotterdam Convention**

### **Laws, regulations, policies, procedures and other measures to implement the Rotterdam Convention<sup>1</sup>**

#### **Note by the Secretariat**

#### **I. Introduction**

1. By its decision RC-11/5, the Conference of the Parties at its eleventh meeting adopted the programme of work of the Compliance Committee for the biennium 2024–2025. Among other things, the programme of work mandated the Committee to continue its activities to:

- (a) Monitor, based on information from Parties, the laws, regulations, policies, procedures and other measures adopted to implement the Rotterdam Convention;
- (b) Based on information from Parties, identify and review, difficulties relating to laws, regulations, policies, procedures and other measures to implement the Rotterdam Convention;
- (c) Develop recommendations for consideration by the Conference of the Parties on steps that could be taken by Parties, the Conference of the Parties, the Compliance Committee and others to improve the laws, regulations, policies, procedures and other measures to implement the Convention.

2. Part II of decision RC-11/5 also requested Parties to provide the Secretariat with texts of national legislation or other measures that they have adopted to implement and enforce the Convention, specifically those texts related to paragraphs 1 and 2 of Article 5 and Article 10 of the Convention.

3. At the face-to-face sessions of its second meeting (19–21 March 2024, Rome), the Committee adopted decision CC-2/3 on laws, regulations, policies, procedures and other measures to implement the Rotterdam Convention. Among other things, the Committee requested the Secretariat to contact Parties that have yet to provide information or have indicated that they do not have legislation, as well as to develop, under the guidance of lead members, questions to collect information from Parties. Committee members Jimena Nieto Carrasco and Matthias Wolf took the lead on these activities as agreed at the abovementioned face-to-face sessions.

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<sup>1</sup> This document has not been formally edited.

## II. Implementation

### A. Laws, regulations, policies, procedures and other measures adopted to implement the Rotterdam Convention

#### 1. Desk review: Methodology

4. With the generous financial support provided by the government of Switzerland, the Secretariat undertook a desk review of the texts of national legislation and other measures transmitted by 21 Parties (20 States and one regional economic integration organization)<sup>2</sup> for the purpose of identifying and reviewing common difficulties relating to laws, regulations, policies, procedures and other measures to implement the Rotterdam Convention. This desk review provided a general overview, following the structure of the Guide on the Development of National Laws to Implement the Rotterdam Convention and does not constitute a detailed review of individual obligations. The full review is set out in document UNEP/FAO/RC/CC.2/INF/3.

5. The desk review considered as far as possible references to laws, regulations, policies, procedures and other measures within notifications of final regulatory actions and import response forms submitted by Parties. As these were titles referenced in the information provided in the notification forms, the Secretariat did not have access to the texts of the measures themselves.

6. Consequently, the review focused on the texts within the national legislation collection. It is noted that texts of measures were available and included in the review for 21 Parties, 6 of which had transmitted notifications of final regulatory action that had been considered by the Chemical Review Committee for chemicals not yet included in Annex III to the Convention and found to meet all the criteria of Annex II to the Convention.<sup>3</sup>

7. Information on challenges was collected, where possible, from information transmitted by and requests from Parties in submitting the texts of national legislation, notifications, responses to questionnaires, and requests made in the context of technical assistance and capacity building activities including the needs assessment.

8. There were certain limitations to the desk review due to the limited number of Parties whose texts of national legislation and other measures were reviewed but also due to geographical distribution. Texts were received from Parties in all United Nations geographic regions and Rotterdam Convention prior informed consent (PIC) regions, however, more information was available from certain regions than others. Texts were received from Parties in the Africa PIC region (eight Parties), the Near East PIC region (four Parties), the Latin America and the Caribbean PIC region (three Parties), the Asia PIC region (two Parties), the Europe PIC region (one Party and one regional economic integration organization), the North America PIC region (one Party) and the Southwest Pacific PIC region (one Party).

9. The review was further limited as some of the texts in the online collection transmitted by those 21 Parties were only available in the national languages of the respective Parties. This review does not therefore present a full picture but rather an initial assessment of possible difficulties that certain Parties may be facing.

#### 2. Questions to collect information: Methodology

10. As requested by the Committee in the abovementioned decision CC-2/3, the Secretariat has also circulated on 19 July 2024 a communication to all Parties with an invitation to respond to the questions to collect information, including on laws, regulations, policies, procedures and other measures to implement the Convention. A reminder was also transmitted to all Parties on 21 August

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<sup>2</sup> Australia, Bahrain, Cameroon, Canada, Chad, Ecuador, El Salvador, European Union, Gambia, Ghana, Guyana, Iraq, Japan, Jordan, Mauritius, North Macedonia, Sri Lanka, Switzerland, Tunisia, United Republic of Tanzania, and Yemen.

<sup>3</sup> See <https://www.pic.int/TheConvention/Chemicals/Notyetrecommendedforlisting/tabid/1181/language/en-US/Default.aspx> for the summary of notifications of final regulatory action considered by the interim Chemical Review Committee and Chemical Review Committee for chemicals not yet included in Annex III to the Convention and found to meet all the criteria of Annex II. Further information regarding notifications of final regulatory actions and import responses for consideration by the second meeting of the Compliance Committee of the Rotterdam Convention is available in documents UNEP/FAO/RC/CC.2/5 and UNEP/FAO/RC/CC.2/6.

2024 by email. The responses received from 31 Parties have been made available on the Convention website.<sup>4</sup>

11. Similarly to the desk review, the information collected from Parties was also limited due to the number of responses received, although it is noted that responses were received from Parties in all United Nations regions.

### **3. Information available from Parties included in the desk review**

#### **(a) Information submitted by Parties and included in the collection of texts of national legislation and other measures**

12. The Secretariat continues to maintain and update on the Convention website<sup>5</sup> the collection of texts of national legislation and other measures adopted by Parties to implement the Convention. As at the time of the face-to-face sessions of the second meeting of the Committee, 23 Parties have transmitted 104 texts that have been made available on the website, including those of two additional Parties<sup>6</sup> that transmitted texts of national legislation after the desk review had been completed.

13. It is noted that several legal acts transmitted to the Secretariat and included in the Convention's national legislation database were adopted before the entry into force of the Rotterdam Convention.

14. The request to Parties to transmit texts, contained within decision RC-11/5 of the Conference of the Parties, was included in the call for information following the eleventh meeting of the Conference of the Parties.

15. Following the circulation of the questions to collect information, the Secretariat received additional information on and texts of national legislative and administrative measures to implement the Convention. Consequently, it was possible to publish on the Convention website texts from an additional 14 Parties. This brings the total number of Parties with national legislation posted on the Rotterdam Convention website to 37. These additional texts were not considered in the desk review although an analysis of the difficulties identified by Parties in their responses is included in section B below.

#### **(b) Information available from Parties within notifications of final regulatory actions and import responses**

16. Information regarding legislative or administrative measures adopted by Parties related to the Rotterdam Convention is also received through the transmission by Parties of:

(a) Notifications of final regulatory actions submitted pursuant to Article 5 of the Convention: Parties include information on the regulatory action on which the notification is based; and

(b) Import responses submitted pursuant to Article 10 of the Convention: A response can consist among other things of a final decision taken pursuant to legislative or administrative measures, meaning that the Party may refer to the title of relevant measures within the form for import responses.

## **B. Difficulties relating to laws, regulations, policies, procedures and other measures to implement the Rotterdam Convention**

### **1. Different methods to transpose Convention obligations into national law**

17. From the information available, it is clear that different methods can and have been used by Parties to transpose the obligations of the Rotterdam Convention into national law, including:

(a) Treaty obligations take effect directly and become part of domestic law upon entry into force of the treaty for that country;

(b) Treaty obligations are incorporated by reference into national laws;

(c) Treaty obligations are transposed directly into national laws;

<sup>4</sup> The questions and responses are available on the Rotterdam Convention website at <https://www.pic.int/?tabid=10008>.

<sup>5</sup> <https://www.pic.int/Countries/NationalLegislation/tabid/5325/language/en-US/Default.aspx>.

<sup>6</sup> After the preparation of the initial review, texts were received from Rwanda and Cambodia.

(d) National laws are adjusted so that they are consistent with, and provide the necessary authority and mandate, to implement the treaty obligations.<sup>7</sup>

18. Furthermore, Parties have different practices and approaches to determine the appropriate combination of legislative, regulatory or other instruments to implement obligations under the Rotterdam Convention. References in the present review to “national laws”, “national legislation” or “legal frameworks at the national level” may encompass legislation, regulations, or other types of instruments having a legally binding effect, as well as the institutions established to promote implementation and enforcement of, and compliance with, such instruments.

19. The collection of national legislation transmitted by Parties includes a variety of different texts ranging from environmental legislation, laws and/or supplementing regulations related to management and control of chemicals and/or pesticides, labelling, lists of banned or restricted chemicals/pesticides and/or legal acts related to specific chemicals or pesticides. Some Parties provided legislation that regulates general export/import rules, without specific reference to the Rotterdam Convention prior informed consent (PIC) procedure.<sup>8</sup>

20. These approaches and texts are described below, with full information including specific examples set out in the annex to this note. The section below follows the structure set out in the Guide to the Development of National Laws to Implement the Rotterdam Convention.<sup>9</sup>

**(a) Specific implementing measures for the Rotterdam Convention**

21. Several Parties<sup>10</sup> adopted specific legislation implementing their obligations under the Rotterdam Convention including the PIC procedure, information exchange, lists of chemicals and other relevant elements. In its regulations, one Party<sup>11</sup> also included provisions implementing the Stockholm Convention on Persistent Organic Pollutants and the Minamata Convention on Mercury.

**(b) References to the Rotterdam Convention within general legislation**

22. Some Parties<sup>12</sup> included references to the Convention and specifically incorporated the PIC procedure into their general legislation on management of chemicals or pesticides.

**(c) Specific procedures for chemical regulation**

23. Some Parties<sup>13</sup> do not have explicit references to the Convention in their legislative acts, but their legislation contains specific procedures for regulating chemicals, including export and import rules. Some of these Parties also included specific procedures to ban or restrict chemicals or pesticides. It was beyond the scope of this review to undertake a detailed assessment of whether domestic measures effectively implemented the PIC procedure established under the Rotterdam Convention.

**(d) Lists of banned or restricted chemicals without provision for the PIC procedure**

24. Several Parties transmitted to the Secretariat, as texts of laws implementing the Convention, lists of banned or restricted chemicals/pesticides or other regulatory measures related to individual chemicals or pesticides. These texts did not, however, include specific provisions related to the implementation of the obligations under the Rotterdam Convention, in particular the PIC procedure.

**2. Information from notifications of final regulatory action and import responses on measures adopted<sup>14</sup>**

25. As of 30 April 2024, 80 Parties<sup>15</sup> have submitted notifications of final regulatory actions, meeting Annex I information requirements. These include information specific to the final regulatory action taken by the Party, such as reference to the regulatory document and date of entry into force.

<sup>7</sup> See for example p.35 of the Guide on the Development of National Laws to Implement the Rotterdam Convention [http://www.pic.int/Portals/5/ResourceKit/B\\_Guidance%20information/Legal%20guide/legalguide-eng.pdf](http://www.pic.int/Portals/5/ResourceKit/B_Guidance%20information/Legal%20guide/legalguide-eng.pdf).

<sup>8</sup> See extracts and list in appendix.

<sup>9</sup> See footnote 4 above.

<sup>10</sup> European Union, Switzerland and Canada.

<sup>11</sup> Canada.

<sup>12</sup> Such as Australia and North Macedonia.

<sup>13</sup> For example: Bahrain, Gambia, Ghana and Guyana.

<sup>14</sup> Further information regarding notifications of final regulatory actions and import responses for consideration by the second meeting of the Compliance Committee of the Rotterdam Convention is available in documents UNEP/FAO/RC/CC.2/5 and UNEP/FAO/RC/CC.2/6 respectively.

<sup>15</sup> Including the European Union and its member States.

26. The information from these sources confirms certain trends in legislative implementation of the Rotterdam Convention, such as:

(a) The database of notifications of final regulatory action confirms the abovementioned observation of different approaches used by Parties.<sup>16</sup> Many Parties had references to the Rotterdam Convention within general legislation for the prohibition and restriction of chemicals and/or pesticides, others provided references to specific legal acts related to the ban or restriction of specific chemicals (commonly lists of banned or restricted chemicals without provision for the PIC procedure), while others only describe the administrative measures (such as “no authorisation can be granted”, “prohibition of the registration, import, trade, or use of certain chemicals”, “excluded from the register”, etc.) without a clear reference to the regulatory document, where the respective decision is recorded or published;

(b) It should be noted that some Parties have a common regulatory system for chemicals and/or pesticides. A number of regional examples of such common systems can be found in the Africa and Europe PIC regions.

27. From the information on regulatory measures available in import responses and notifications of final regulatory action submitted by the Parties, it is nonetheless difficult to identify specific provisions implementing the Rotterdam Convention. In many cases information provided in import responses and notifications of final regulatory action is limited to specific chemicals and/or just indicates the general legislation for the prohibition and restriction of chemicals and/or pesticides without providing further details related to procedural provisions. To identify relevant provisions as well as to assess the extent to which these implement the Convention, the texts themselves would need to be reviewed rather than a list of titles of measures referenced by the Party such as the lists or references found in import responses.

28. All sources considered indicate that there is insufficient information about whether Parties have in place provisions in their legislative and regulatory measures, or any difficulties they may be facing related to laws, regulations, policies, procedures and other measures to implement the Convention.

29. To have specific information about all or certain issues being faced by Parties, it is recommended to undertake a further review of implementation of the Convention in the national legislation based on a questionnaire or a check list to be completed by the Parties. Different approaches could be undertaken for such review of implementation. Good examples include the survey on definition of term “pesticides” and the self-review of the legislation for implementing the Basel Convention using the legislators’ checklist that was undertaken on the initiative of the Mechanism for promoting implementation and compliance with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal.

### **3. Information on challenges being faced by Parties contained in responses to questions to collect information**

30. Of the Parties responding to the questions to collect information in July 2024, only four<sup>17</sup> responded that they did not have any legislative or administrative measures to implement the Rotterdam Convention. The responses appear to align with the conclusions in the desk review that although the texts have yet to be transmitted to the Secretariat, most Parties have been able to adopt some measures to implement the Rotterdam Convention.

31. As mentioned above, one outcome of the questions to collect information was an increase in the number of texts of legislative and administrative measures available on the Rotterdam Convention website,<sup>18</sup> with texts adopted by an additional 14 Parties<sup>19</sup> added to the online collection.

32. It is of note though that the scope of the provisions covered by such measures varied and half of the responding Parties (15 of 31) had not transposed all the provisions of the Convention into their national legislation. Most commonly missing were provisions related to the export of chemicals listed in Annex III, for which eight Parties had no provision; export notifications, for which six Parties had no provision; and information to accompany exported chemicals, for which ten Parties had no provision. As such, the information from Parties seems to indicate that legislative or administrative

<sup>16</sup> See section B.1 in paragraphs 14-17 above.

<sup>17</sup> Eritrea, Ethiopia, Guatemala and Mauritius.

<sup>18</sup> See footnote 4 above.

<sup>19</sup> Bahrain, Chile, Colombia, Ecuador, Montenegro, New Zealand, Nicaragua, Norway, Paraguay, Republic of Moldova, Romania, Saudi Arabia, Thailand and Trinidad and Tobago.

transposition of some of the Convention's provisions is not a challenge but full transposition is a challenge for many Parties.

33. Of the Parties who responded that they did not have measures in place, only one Party responded that it had not faced challenges with enacting or adopting measures to implement the Convention. Sixteen Parties overall responded that they had faced challenges with the adoption and enactment of measures to implement the Convention.

34. The two main challenges identified by Parties, in each case by 12 of the 31 responding Parties as an area for further information about what may be needed to assist them in overcoming the challenges identified were:

(a) The need for awareness of the importance of implementing the Convention into national legislation; and

(b) Improved coordination between the interested entities.

35. Awareness about the Rotterdam Convention at the national level, different policy priorities in the country and specialist technical expertise of legal and chemicals management issues for transposing Convention obligations into domestic law were also identified by nine, eight and eight Parties respectively as the other main issues on which further information may assist them in overcoming challenges. Increased expertise in legislative drafting was the an area for further work for the least amount of Parties with only four Parties highlighting this issue.

### **C. Steps that could be taken to improve the laws, regulations, policies, procedures and other measures to implement the Convention**

36. To support the Committee in developing recommendations to the Conference of the Parties, it may wish to consider what assistance is presently available to Parties. Assistance may be available through:

(a) Specific and general guidance, tools and materials in relation to legal frameworks;

(b) Technical assistance and capacity building activities; or

(c) Possible lessons learned and good practices that could be drawn from other relevant multilateral environmental agreements.

#### **1. Tools and materials to assist Parties in relation to legal frameworks**

37. There is a limited number of tools available to assist Parties in relation to developing, adopting and updating appropriate legislative and administrative measures. These include the Guide to the Development of National Laws, case studies and a checklist for the legislator. All these tools have been developed by the Secretariat to support Parties in their efforts to implement the Convention.

38. Relevant modules may also be found in other tools, for example the Final Regulatory Evaluation Toolkit, however this is not the main focus of those documents. The responses to the questionnaire circulated to Parties on behalf of the Committee in relation to notifications of final regulatory actions<sup>20</sup> highlighted overall awareness of the tools and materials available to assist Parties. This could be capitalised to encourage increased use of the tools available specifically related to laws, regulations, policies, procedures and other measures to implement the Convention, to address difficulties being faced by Parties.

39. The database of texts of national legislation and other measures available on the Convention website could constitute a useful reference for Parties. Presently, only a few Parties have provided texts of the national legislation, making it challenging to identify systemic issues of general compliance being faced by Parties and restricting how useful the database could be as a collection of examples of measures adopted by Parties to implement the Convention. The number of texts continues to grow steadily, increasing the range of legal systems for which examples of different practices and ways to transpose the Convention into national legislation.

#### **2. Technical assistance and capacity building**

40. Pursuant to the mandates set out in Article 16, paragraph 1 (g) of the Basel Convention, Article 19, paragraph 2 (b) of the Rotterdam Convention and Article 20, paragraph 2 (b) of the Stockholm Convention respectively, the request in paragraph 8 (d) of decisions BC-14/18, RC-9/8 and SC-9/14 on technical assistance, and based on the four-year technical assistance plan for the period 2018–2021

<sup>20</sup> See document UNEP/FAO/RC/CC.2/5 and UNEP/FAO/RC/CC.2/INF/3.

as well as on the needs expressed by Parties in 2020, the Secretariat has developed a four-year technical assistance plan for the period 2022–2025 to address these needs and to provide a general framework for strengthened support to Parties, particularly developing-country Parties and Parties with economies in transition, in their implementation of the conventions. The plan includes activities related to national legislative and regulatory frameworks. The plan will assist Parties to address their needs in a strategic, systematic and forward-looking manner. Through needs assessment questionnaires and in bilateral discussions, Parties to the Rotterdam Convention have indicated that legal and institutional frameworks, national coordination (including national action plans) are among their highest priorities.

41. Consequently, elements on legal frameworks have been incorporated within certain technical assistance activities organised by the Secretariat. For example, workshops and webinars to deliver technical assistance and disseminate information to different stakeholders are specifically tailored based on information provided and official requests submitted by Parties, where possible.

42. Parties were afforded the opportunity, as part of the questions to collect information circulated on behalf of the Committee in July 2023, to provide further information on what in particular could help them address the challenges identified. The importance of technical assistance and capacity building activities, as well as awareness-raising, were highlighted by almost all the Parties who provided more information in this section of the questions.

### **3. Possible lessons learned from other multilateral environmental agreements**

#### **(a) Mechanism for promoting implementation and compliance with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal**

43. The Mechanism for promoting implementation and compliance with the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (Basel Convention Committee) has a longstanding mandate from the Conference of the Parties to review general issues of compliance and implementation under that Convention relating to national legislation amongst other things. By decision BC-16/14, the sixteenth meeting of the Conference of the Parties to the Basel Convention adopted the work programme of the Basel Convention Committee for the biennium 2024–2025, whereby it requested the Committee to undertake a number of activities aimed at improving implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention, including among others:

(a) Inviting Parties that have yet to undertake a self-review of their legislation for implementing the Convention, using the legislator’s checklist, to do so and also provide, where applicable, information on their legislative implementation of the Ban Amendment, the plastic wastes amendments and the e-waste amendments;

(b) Reviewing, subject to the availability of resources and according to the priorities established by the Conference of the Parties for the given biennium, Parties’ implementation of the Convention in national law, starting with Parties that have not yet provided information to the Secretariat as to whether they have national legislation implementing the Convention, also taking into account the information received by three Parties under the work programme of the Committee for the biennium 2022–2023, for consideration by the Conference of the Parties at its sixteenth and subsequent meetings;

(c) Monitoring progress achieved by Parties in transmitting to the Secretariat texts of national legislation and other measures adopted by them to implement and enforce the Convention;

(d) Monitoring requests from Parties and activities undertaken by partners aimed at assisting Parties in developing legal frameworks for the implementation of that Convention;

(e) Developing recommendations on how to improve implementation of and compliance with paragraph 4 of Article 4 and paragraph 5 of Article 9 of the Convention.

44. The mandate for this work builds on the work of the Committee under its 2022–2023 work programme.<sup>21</sup>

<sup>21</sup>

<https://www.basel.int/Implementation/LegalMatters/Compliance/WorkProgramme/20222023/tabid/9294/Default.aspx>.

**(b) National Legislation Project for the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES NLP)<sup>22</sup>**

45. Resolution Conf. 8.4 (Rev. CoP15) on National laws for implementation of the Convention<sup>23</sup> directs the CITES Secretariat, within available resources, to identify those Parties whose domestic measures do not provide them with the authority to:

- (a) Designate at least one Management Authority and one Scientific Authority;
- (b) Prohibit trade in specimens in violation of the Convention;
- (c) Penalize such trade; or
- (d) Confiscate specimens illegally traded or possessed.

46. All four minimum requirements need to be met by the national laws. Under the NLP, and in consultation with the concerned Party, national legislation is analysed by the Secretariat in relation to these four minimum requirements and placed in one of three categories, as follows:

- (a) Category 1: legislation that is believed generally to meet the requirements for implementation of CITES;
- (b) Category 2: legislation that is believed generally not to meet all of the requirements for the implementation of CITES;
- (c) Category 3: legislation that is believed generally not to meet the requirements for the implementation of CITES.

47. A legislative status table is prepared and periodically revised by the Secretariat to provide a summary of Parties' legislative progress including the category in which their legislation has been placed and whether they have been identified by the Standing Committee as requiring attention as a priority.

48. The Standing Committee is mandated to determine which Parties have not adopted appropriate measures for effective implementation of the Convention and to consider appropriate compliance measures, which may include recommendations to suspend trade, in accordance with Resolution Conf. 14.3 (Rev. COP18) on CITES compliance procedures.

**(c) Other multilateral environmental agreements**

49. In certain other international environmental agreements, the review of implementation and update of information on implementing legislation is carried out within the process of a periodic review based on the reports prepared by Parties in response to a questionnaire.<sup>24</sup> Although such reporting usually is a component of the obligations of the Parties according to relevant provisions of the agreements, some features and tools used in these processes could be relevant for a further review of implementation of the Rotterdam Convention in the national legislation. For example, reporting mechanisms under the Aarhus Convention and the PRTR Protocol envisage periodic reporting based on the approach that encourages those submitting the reports to provide consolidated versions of the national reports, building on the reports prepared in the previous cycles. The reports submitted in the previous reporting cycle serve as a basis for the preparation of the new reports by way of being edited using the revision (change-tracking) function to reflect only changes and provide new information. Such an approach may support national consultation processes as well as make final reports more user-friendly and usable.

**III. Conclusions and recommendations**

50. The achievement of the objective of the Rotterdam Convention is dependent on the implementation of appropriate legislative or administrative measures at the domestic level. A Party's failure to introduce adequate legislative and/or administrative measures not only leaves it in breach of its obligations but may also deprive the Party of the benefits of the Convention and undermines the Convention itself. Consequently, all Parties have a mutual interest in securing full implementation.

<sup>22</sup> [https://cites.org/eng/legislation/National\\_Legislation\\_Project](https://cites.org/eng/legislation/National_Legislation_Project).

<sup>23</sup> [https://cites.org/sites/default/files/documents/E-Res-08-04-R15\\_0.pdf](https://cites.org/sites/default/files/documents/E-Res-08-04-R15_0.pdf).

<sup>24</sup> For example the Convention on Environmental Impact Assessment in a Transboundary Context 1991 (Espoo Convention) and the Protocol on Strategic Environmental Assessment to the Espoo Convention; the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters 1998 (Aarhus Convention) and its Protocol on Pollutant Release and Transfer Registers (PRTR Protocol).



51. The majority of Parties appear to have adopted legislative and administrative measures to implement the Convention although they have yet to transmit these texts to the Secretariat. There is a steady increase in the number of texts available in the national legislation collection. It is important to encourage all Parties to regularly provide the Secretariat with texts of the national implementing legislation (including updates). Where possible, it might be useful to request the Parties to indicate which provisions of the Convention a particular piece of the domestic law aims to implement. The Parties may also indicate the legislation that needs to be removed (or marked as outdated) from the collection of texts of national legislation previously provided by the Parties when the respective legal acts are repealed or updated. Parties could also be encouraged to ensure full implementation of the provisions of the Convention.

52. The lack of relevant procedures in the national legislation may lead to several institutional and governance issues such as the lack of exchange of information and coordination between stakeholders on the national level; the lack of formal mechanism for coordination and communication between the authorities and other stakeholders; overlapping or unclear mandates, roles and responsibilities of relevant authorities.

53. Between the first meeting of the Committee in November 2022 and the face-to-face sessions of the second meeting, only a very slight change in the status in relation to laws, regulations, policies, procedures and other measures to implement the Convention was noted. There was a notable amount of additional texts collected through the questions circulated following the face-to-face sessions of the second meeting.

54. From the texts available, Parties have adopted different approaches to the laws, regulations, policies, procedures and other measures to implement the Convention, including:

- (a) Adopting specific implementing measures for the Rotterdam Convention;
- (b) Relying on general legislative, regulatory and administrative measures containing references to the Rotterdam Convention;
- (c) Adopting specific procedures for chemicals management and trade control; and/or
- (d) Adopting lists of banned or severely restricted chemicals, without provision for the Rotterdam Convention PIC procedure.

55. A significant challenge remains due to the lack of relevant procedures in the national legislation, which may lead to several institutional and governance issues.

56. It would be important to continue to collect and make available more texts of legislative and administrative measures adopted to implement the Convention. This would not only support Parties' efforts to implement the Convention, but it could have other benefits including: increased awareness of the Convention, additional examples of approaches to implement the Convention; additional information on challenges being faced by Parties, any regional trends, and trends over time in relation to legislative and/or administrative measures to implement the Convention.

57. Further information may be available through notifications of final regulatory action and import responses. In order to gather and submit relevant information from these sources, however, more detail would be needed from Parties at the time of submission, including the texts of any measures referred to therein. Such information may also support other Parties to identify the information required in accordance with Annex I to the Convention or to take and transmit a final decision regarding future import of chemicals, pursuant to legislative or administrative measures.

58. To have specific information about all or certain difficulties being faced by Parties relating to laws, regulations, policies, procedures and other measures to implement the Rotterdam Convention, it is recommended invite Parties to undertake a self-review of their legislation, using the checklist for the legislator as reviewed by the Committee, and by inviting Parties to complete a questionnaire on their difficulties.

59. The Committee may also wish to consider further work to analyse use of the tools available to assist Parties, in particular the Guide to the Development of National Law and case studies, and whether there is a need to supplement and/or update the materials available as one of the possible steps to support Parties' efforts to improve the laws, regulations, policies, procedures and other measures to implement the Convention.

## IV. Proposed action

60. The Committee is invited to consider the information contained in the present note and may wish to recommend that the Conference of the Parties:

- (a) Recognise those Parties that have adopted legislative and administrative measures to implement the Rotterdam Convention and encourage all Parties to do so;
- (b) Invite Parties to continue to provide information to the Committee, using the questions to collect information, including updates to information previously provided, and request the Committee to report thereon to the thirteenth meeting of the Conference of the Parties;
- (c) Request the Secretariat to identify Parties' needs for assistance, assess the adequacy of other existing tools and training activities to meet those needs, as well as any updates needed to the existing tools or any new tools that need to be developed;
- (d) Include within the Secretariat's technical assistance plan for 2025–2028, to be considered by the Conference of the Parties at its twelfth meeting, continued support Parties to develop, establish and update laws, regulations, policies, procedures and other measures to implement the Convention, in particular to raise awareness and increase coordination among involved entities;
- (d) Encourage the United Nations Environment Programme (including the secretariat of the Special Programme to support institutional strengthening at the national level for implementation of the Basel, Rotterdam and Stockholm conventions, the Minamata Convention and the Strategic Approach to International Chemicals Management and the secretariat of the Strategic Approach to International Chemicals Management), the Food and Agriculture Organization of the United Nations and other relevant entities in the context of their activities in support of the technical assistance plan, to organise activities related to laws, regulations, policies, procedures and other measures to implement the Convention;

61. The Committee may further wish to agree to include further work on this issue within the draft programme of work for the biennium 2026–2027, including, among others that it be mandated to:

- (a) Continue to monitor, based on information from Parties, the legislative and administrative measures adopted by Parties to implement the Rotterdam Convention;
  - (b) Consider and recommend to the Conference of the Parties what additional steps could be taken to increase the number of Parties with measures in place to implement the Rotterdam Convention.
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