



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 (d) of the agenda

Review of systemic issues of general compliance: export notifications

Export notifications¹

Note by the Secretariat

I. Introduction

1. The programme of work of the Compliance Committee for the biennium 2024–2025, approved at the eleventh meeting of the Conference of the Parties by decision RC-11/5, mandated the Committee to undertake further work to identify challenges being faced by Parties in relation to the provision of export notifications and the acknowledgement of receipt thereof.

II. Implementation

A. Background

1. Secretariat activities pursuant to decisions of the Conference of the Parties

2. Article 12 of the Convention requires a Party when exporting a chemical that is banned or severely restricted from its territory to provide an export notification to the importing Party. The export notification shall include the information set out in Annex V to the Convention. The Secretariat has prepared a form with instructions to be used by Parties to transmit and acknowledge receipt of export notifications and has made it available on the Convention's website².

3. Article 12 further requires the importing Party to 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.

4. At its sixth meeting, the Conference of the Parties to the Rotterdam Convention by decision RC-6/2 requested the Secretariat to prepare questionnaires, including to collect information on export notifications, and invited Parties to gather the information and complete the questionnaires, with the Secretariat to prepare a report for consideration by the Conference of the Parties at its seventh meeting.

5. At its seventh meeting, the Conference of the Parties by decision RC-7/2 requested the Secretariat to facilitate, subject to availability of resources, the exchange of information and report to

¹ This document has not been formally edited.

² <https://www.pic.int/Procedures/ExportNotifications/tabid/1184/language/en-US/Default.aspx>.

each meeting of the Conference of the Parties on the implementation of Articles 11 (paragraph 2), 12 and 14 of the Convention.

6. At its ninth meeting, the Conference of the Parties by decision RC-9/1 requested the Secretariat, amongst other things, to continue, subject to the availability of resources, to implement the provisions of decision RC-7/2 including by providing assistance to Parties on request in the implementation of paragraph 2 (c) of Article 11, and Articles 12 and 14 of the Convention.

7. At its eleventh meeting, the Conference of the Parties by decision RC-11/1 requested the Secretariat to continue implementing the provisions of decisions RC-7/2 and RC-9/1 and encouraged Parties to provide information on their implementation of Articles 11, 12, 13 and 14 of the Convention by submitting responses to the periodic questionnaire on the implementation of those articles.

8. Since February 2014, in follow-up to decisions RC-6/2 and RC-7/2, the Secretariat has annually prepared and circulated the periodic questionnaire to Parties. The Secretariat has also continued to elaborate the scope of the questionnaire in response to the requests from the Conference of the Parties and to facilitate the collection of information from Parties. The latest information has been collected from Parties for the calendar year 2021.

2. Activities related to the Compliance Committee: Questions to collect information

9. At the face-to-face sessions of its second meeting (19–21 March 2024, Rome), the Committee adopted decision CC-2/6 on Export notifications, whereby, among other things, it requested the Secretariat to develop, under the guidance of lead members for endorsement by the Committee, for inclusion in the requests for information from the Committee, questions to collect information on specific challenges being encountered in relation to submitting export notifications and to acknowledging receipt of such notifications.

10. Committee members, Karmen Krajnc and Helen Roberts took the lead on these activities as agreed at the abovementioned face-to-face sessions.

11. Following the development of the questions to collect information, the Secretariat circulated on 19 July 2024 a communication to all Parties with an invitation to respond to the questions to collect information, including on export notifications. A reminder was also transmitted to all Parties on 21 August 2024 by email. The 31 responses received have been made available on the Convention website.³

B. Identification of challenges faced by Parties

1. Secretariat activities pursuant to decisions of the Conference of the Parties: Questionnaire

12. Although some Parties voluntarily share documents related to export notifications with the Secretariat, it is noted that there is no obligation to do so pursuant to Article 12, with export notifications and acknowledgement of receipt being primarily communications between Parties.

13. Information related to export notifications may however be analysed from the information transmitted by Parties in the periodic questionnaire on the implementation of articles 11, 12, 13 and 14 of the Convention.

14. A review of the information provided over time by Parties in the questionnaire illustrates that responding Parties do not explicitly mention the types of challenges being faced in providing export notifications or acknowledging receipt. A number of responding Parties did however provide information in the final comments and suggestions box of the questionnaire.⁴ Extracts of the comments made by Parties which are relevant to the identification of challenges on export notifications are set out in the annex to the present note.

15. Challenges identified by Parties within the comments and relevant to the issue of export notifications included:

(a) Overarching issues related to implementation of the Convention, such as: the need for legal and administrative implementing measures; lack of trained staff due to high staff turnover; clarity

³ The questions and responses are available on the Rotterdam Convention website at <https://www.pic.int/?tabid=10008>.

⁴ Comments were received in this box from: 6 Parties in 2018 (Burkina Faso, El Salvador, Malawi, Marshall Islands, North Macedonia and Paraguay); 6 Parties in 2020 (Albania, Burkina Faso, Colombia, Kenya, Kuwait and Paraguay); 9 Parties in 2021 (Albania, Burkina Faso, Colombia, Dominican Republic, Kuwait, Oman, Paraguay and State of Palestine).

on the PIC process to the official contact points and designated national authorities; and the need for more training and awareness raising on scientific and technical matters; and

(b) Specific issues related to export notifications, including: the need for further information from exporters e.g. on alternatives, on risks identified by the Party in banning or severely restricting the chemical in its territory; access to information related to the export notification, in particular information related to the ban or severe restriction; and how to address discrepancies between what is imported and what is reported to the designated national authorities.

16. Further information on challenges being faced by exporting Parties may also be available in Parties' responses to the Secretariat online questionnaire for the collection of the information on the needs in terms of technical assistance and capacity building, difficulties in implementing the Rotterdam Convention of developing country Parties and Parties with economies in transition and other observations in this regard.⁵

17. The most recent questionnaire on technical assistance needs relevant to all three conventions was made available in three languages (English, French and Spanish) to Parties from 1 March to 31 August 2020. A total of 60 (37% of the total number of Parties at that time) developing-country Parties and Parties with economies in transition provided responses to the online questionnaire related to the Rotterdam Convention.⁶ The responses to the needs assessment questionnaire on technical assistance indicate that Parties do not consider export notifications a priority need, despite acknowledging that this issue poses some of the most challenges. Among the Parties responding to the needs assessment questionnaire for 2020, only 10% indicated provision of export notifications or acknowledgement of receipt of export notifications as a priority need. 23% of respondents indicated that the highest challenge they face is the development and provision of export notifications, while 35% indicated acknowledgement of receipt of export notifications as their biggest challenge. 90% of respondents that are importing Parties receiving export notifications indicated a need for assistance in reviewing the risks that importing such chemicals would entail.

2. Activities related to the Compliance Committee: Questions to collect information

18. 31 Parties provided a response to the questions developed by the Committee. Although responses were received from Parties in all United Nations regions, the information collected may not be fully representative of the challenges being faced by Parties. From the information available, only 4 of 31 responding Parties have not adopted measures to implement the Rotterdam Convention. Nonetheless, a significant proportion of the responding Parties (12 of 31) had not transposed all the provisions of the Convention into their national legislation. Among the most commonly missing provisions within the measures were those related to export notifications, for which six Parties had no provision within their legislative and administrative measures.

19. Six responding Parties⁷ indicated that they do not have provision related to export notifications and six Parties indicated they are not facing challenges with providing export notifications.⁸

20. The majority, namely 20 of 31, of the responding Parties had not provided export notifications to importing Parties pursuant to Article 12 of the Convention. Many clarified however that this was because they do not export chemicals from their territory.⁹

21. Of the challenges faced with providing an export notification, the preparation of notifications, specifically the collection of information specified in Annex V, was identified as a challenge by the most responding Parties¹⁰. Two Parties responded facing challenges with providing export notifications related to the transmission of such notifications to the importing Party that were not related to country contacts.¹¹ Other challenges with the preparation of export notifications and other challenges with the transmission of the export notification to the importing Party were also identified by two and three responding Parties, respectively. One Party highlighted challenges with locating the importing company, in particular when dealing with industrial chemicals.

⁵ Questionnaire developed in follow up to decision RC-6/11 adopted by the sixth meeting of the Conference of the Parties.

⁶ UNEP/FAO/RC/COP.10/INF/18.

⁷ Bahrain, Brazil, Montenegro, Nicaragua, Republic of Moldova and Saudi Arabia.

⁸ Bahrain, Benin, Bosnia and Herzegovina, Brazil, Canada and Nicaragua.

⁹ Bahrain, Cambodia, Ecuador, Ethiopia, Mauritius and Nicaragua.

¹⁰ Colombia, Kuwait, Paraguay and Saudi Arabia.

¹¹ Paraguay and Republic of Moldova.

22. Only a minority of Parties reported having provided export notifications, acknowledging receipt from an exporting Party and not facing any challenges with either providing notifications or acknowledging receipt.¹²
23. 24 out of 31 responding Parties had received export notifications and acknowledged receipt of the first export notification received after the adoption of the final regulatory action. The majority of Parties had not faced challenges with acknowledging receipt, with only two Parties indicating that they faced challenges in this regard.
24. Parties nonetheless provided information about what may assist in overcoming any challenges, in particular:
- (a) Legislative or administrative measures (five Parties¹³);
 - (b) Awareness of the Rotterdam Convention at the national level (three Parties);¹⁴
 - (c) Improved coordination and cooperation between national stakeholders (four Parties);¹⁵
 - (d) Information on the hazards/risks posed by the chemical (four Parties);¹⁶
 - (e) Specialist technical and/or other expertise in chemicals management (four Parties).¹⁷

Certain challenges listed were reflective of broader implementation challenges by the majority of responding Parties.

25. One Party suggested making available on the website a downloadable Excel document with the contact details, including email addresses, of the designated national authorities of Parties.
26. Many responding Parties provided further information on and highlighted the importance of capacity building and awareness raising activities to support them in overcoming challenges faced both in relation to the provision and receipt of export notifications. They called for such activities to be continued.¹⁸

C. Conclusions

27. From the latest information shared by Parties in their responses to the questions from the Committee, the following conclusions may be drawn:
- (a) The responding Parties have implemented legislative or administrative measures to ensure at least partial legislative implementation of the Convention, however half of them (15 of 31) had not transposed all the provisions of the Convention into their national legislation;
 - (b) Of the challenges identified by Parties, the preparation of notifications, in particular the collection of information specified in Annex V, was identified as a common challenge by a number of responding Parties;
 - (c) Some of the gaps in their implementation of the Convention are due to the national circumstances of the Party in question, such as that there are no measures in place for providing export notifications because there are no exports taking place involving that Party;
 - (d) For those responding that they are facing challenges, in some cases there are overarching challenges with the implementation of the Convention that are not restricted to export notifications. A common challenge highlighted by the majority of those responding Parties reporting challenges is the need for improved coordination and cooperation between national stakeholders;
 - (e) In light of the geographical spread of the responses and the scope of the challenges reported by Parties, it would not appear that the challenges are restricted to a specific United Nations or Prior Informed Consent region;
 - (f) Responding Parties highlighted the importance of capacity building and awareness raising activities to address the challenges being faced.

¹² Canada, Guyana, Romania and Switzerland.

¹³ Cambodia, Iraq, Mauritius, Paraguay and Trinidad and Tobago.

¹⁴ Iraq, Mauritius and Paraguay.

¹⁵ Chile, Iraq, Mauritius and North Macedonia.

¹⁶ Cambodia, Iraq, Mauritius and Paraguay.

¹⁷ Cambodia, Iraq, Mauritius and Paraguay.

¹⁸ Ecuador, Ethiopia, Iraq, Nicaragua, North Macedonia and Paraguay.

III. Proposed action

28. The Compliance Committee is invited to consider the information contained in the present note and may wish to:

(a) Recommend to the Conference of the Parties that the Secretariat's technical assistance plan for 2025–2028, to be considered by the Conference of the Parties during its twelfth meeting, emphasise the importance for Parties to receive support to raise awareness on the obligations under the Convention pertaining to the provision and acknowledging receipt of export notifications, including training to prepare the form for export notification and to complete the periodic questionnaire on Articles 11, 12, 13 and 14 of the Convention;

(b) Agree to include further work to identify challenges being faced by Parties in relation to export notifications within the draft programme of work for the biennium 2026–2027.

Annex

Compilation of extracts relevant to challenges on export notifications, including more general challenges from the response to the questionnaires on the implementation of Articles 11, 12, 13 and 14 of the Rotterdam Convention – Years 2018 to 2021¹

Comments and suggestions

Additional comments and suggestions provided by Parties about exchanging information under Articles 11, 12, 13 and 14

Year 2021

Party	Comments and suggestions
Albania	Considering the importance that this report has for our country in frame of RC, the cooperation with other institutions to gather the relevant information, and keeping in mind the fact that the administrative staff in overall is new and not trained on RC and PIC, Albania requires support from the Secretariat to enforce RC in place. Also, we would appreciate the fact if the secretariat will take into consideration the recommendation mentioned in the whole report, for support, awareness raising and respective campaigns for the public institutions but also for the companies dealing with chemicals. These trainings have a high importance for ensuring the information required by such types of reports.
Burkina Faso	[Informal translation] The exchange of information within the framework of the convention is not well mastered by the focal points. Weak incorporation of the Convention in national legislation. [French original] L'échange d'information dans le cadre de la convention n'est pas bien maîtrisé par les points focaux. Faible internalisation de la convention dans la législation nationale.
Colombia	[Informal translation] 1. The main difficulty regarding the information on substances to be exported is that there is no regulatory framework for the control procedures for Annex III chemicals. 2. The difficulty of establishing information on imports of products contained in Annex III. [Spanish original] 1. La mayor dificultad que se tiene sobre la información de sustancias a exportar, es no se cuenta con un marco reglamentario para los procedimientos de control de las sustancias del anexo III. 2. La dificultad de establecer información de importaciones de productos contenidos en el Anexo III.
Dominican Republic	[Informal translation] We are currently working on a legal resolution to support compliance with international conventions, which is why we need to create a national legal mechanism to prohibit or restrict the use of certain hazardous chemicals that are already listed in the annexes of international conventions (Rotterdam, Stockholm or Minamata). [Spanish original] Actualmente nos encontramos trabajando con una resolución legal, que sirva para darle apoyo al cumplimiento de los convenios internacionales, es por ello que tenemos la necesidad de crear un mecanismo legal nacional que prohíba o restrinja el uso de algunos productos químicos peligrosos que desde ya se encuentran enumerados en los anexos de los convenios internacionales, ya sea (Rotterdam, Estocolmo o Minamata).
Kuwait	- We prefer to have the export notification with the up-to-date direct contact number of the importing

¹ Information relevant only to the issue of export notifications has been extracted and informal translations provided by the Secretariat. In case of discrepancy between the translation and the original text transmitted by the Party, the latter shall prevail.

Party	Comments and suggestions
	company. - The exporting company must be sure from the importing company for the shipment that they still need it and they want to ship the chemical.
Oman	-Provide scientific courses for DNAs regarding the convention and how to provide the exact information required under Articles 11,12 and 14.
Paraguay	[Informal translation] With regard to Article 12 Export Notifications, it would be good to know the reason for which prior consent is requested, as it is listed under some restriction or prohibition of use, it would be important to know this, as this information is not included in the notifications and information sent. [Spanish original] Respecto a las Notificaciones de Exportación del artículo 12, sería bueno conocer el motivo por el cual se solicita el consentimiento previo, mismas ya que el mismo está catalogado bajo alguna restricción o prohibición de uso, sería importante conocer el mismo, ya que esos datos no se cuentan en alguna parte en las notificaciones e informaciones remitidas.
State of Palestine	We receive export notification only from EU Countries and we do not receive export notification from other countries we do not have explanations for these cases we suggest that the export notification may contain suggestions about alternatives for notified chemicals.
Vanuatu	We have yet to have a domestic legislation as explained in 5.1.

Year 2020

Party	Comments and suggestions
Albania	[Same comments as for Year 2021] Considering the importance that this report has for our country in frame of RC, the cooperation with other institutions to gather the relevant information, and keeping in mind the fact that the administrative staff in overall is new and not trained on RC and PIC, Albania requires support from the Secretariat to enforce RC in place. Also, we would appreciate the fact if the secretariat will take into consideration the recommendation mentioned in the whole report, for support, awareness raising and respective campaigns for the public institutions but also for the companies dealing with chemicals. These trainings have a high importance for ensuring the information required by such types of reports.
Burkina Faso	[Informal translation] It is necessary to organize periodic training sessions on information exchange for the benefit of DNAs. [French original] Il est nécessaire d'organiser périodiquement des formations sur l'échange de renseignements au profit des AND.
Colombia	[Same as for Year 2021]
Kenya	1. There is need for training on responding to the questionnaire and general reporting under Rotterdam Convention including compliance with the provisions of the Convention.
Kuwait	- We prefer to have the export notification with the up-to-date direct contact number of the importing company. - The exporting company must be sure from the importing company for the shipment that they still need it, and they want to ship the chemical.
Paraguay	[Informal translation] It would be important that from the Convention and with the help of the other Parties to indicate how export notifications should be dealt with more efficiently, both for the products listed in Annex III and for those that have restrictions on use, and the reasons for this in the case of chemicals that are not listed, since there are some whose notifications of final regulatory measures have not yet been published. [Spanish original]

Party	Comments and suggestions
	Sería importante que desde el Convenio y con la ayuda de las demás partes nos indiquen de cómo se debería abordar en forma más eficiente las notificaciones de exportación ya sea de los productos en listados dentro del Anexo III y de aquellos que poseen restricciones de uso y a que se debe en caso de los productos no enlistados, ya que existen algunos cuyas notificaciones de medidas reglamentarias firmes aun no hayan sido publicadas.

Year 2019

Party	Comments and suggestions
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There are no relevant comments.

Year 2018

Party	Comments and suggestions
Burkina Faso	[Informal translation] It is necessary to train new focal points on the different responses to notifications. [French original] Il est nécessaire de former les nouveaux points focaux sur les différentes réponses aux notifications.
El Salvador	[Informal translation] It is important to have the support of the Secretariat of the Convention to hold national workshops, subregional and regional meetings to unify knowledge on technical, legal and other aspects of highly hazardous chemicals, as well as to define procedures and guidance in the implementation of the provisions and of the Rotterdam Convention in the search for alternatives with lower risk to health and the environment for an agro-sustainable development. [Spanish original] Es importante contar con el apoyo de la Secretaría del Convenio para realizar talleres nacionales, reuniones subregionales y regionales para unificar conocimientos sobre aspectos técnicos, jurídicos y de otra índole de los productos químicos extremadamente peligrosos, así como para definir procedimientos y orientación en la implementación de las disposiciones y del convenio de Rotterdam en la búsqueda de alternativas de menor riesgo a la salud y al medio ambiente para un desarrollo agrosostenible.
Malawi	Need for Parties to have websites in which they can upload information so that other Parties can easily access the information.
Marshall Islands	While there is no evidence that show that article III chemicals are being imported it is still a concern as a small country with limited capacity to monitor and fear is always there that foreign businesses may be importing illegally. there is no evidence that this is happening
North Macedonia	The most of the quantity of the chemicals does not correspond with the quantity of chemicals notified in the Export notification. The contacted companies declare less quantity imported within one year.
Paraguay	[Informal translation] With regard to Article 12 Export Notifications, it would be good to know the reason for which prior consent is requested, as it is listed under some restriction or prohibition of use, it would be important to know this, as this information is not included in the notifications and information sent. [Spanish original] Respecto a las Notificaciones de Exportación del artículo 12, sería bueno conocer el motivo por el cual se solicita el consentimiento previo, mismas ya que el mismo está catalogado bajo alguna restricción o prohibición de uso, sería importante conocer el mismo, ya que esos datos no se cuentan en alguna parte en las notificaciones e informaciones remitidas.