Development of a National Capacity Assessment and National Action Plan for Implementation of the Rotterdam Convention: Guidance Document

DRAFT

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Glossary

CEIT	Countries and countries with economies in transition
DNA	Designated National Authority
MSDS	Material Safety Data Sheets
NAP	National Action Plan
NIP	National Implementation Plan
PIC	Prior Informed Consent
SAICM	Strategic Approach to International Chemicals Management
SDS	Safety data sheets
SHPF	Severely Hazardous Pesticide Formulation
UNITAR	United Nations Institute for Training and Research
WCO	World Customs Organization

1. BACKGROUND AND INTRODUCTION

1.1 Scope and Content

This guidance document was originally developed to assist countries participating in the joint pilot project between the Secretariat of the Rotterdam Convention and the United Nations Institute for Training and Research (UNITAR) on preparing a National Capacity Assessment and developing elements of a National Action Plan (NAP) or strategy and priorities for action for the implementation of the Rotterdam Convention.

Part 1 of this document briefly outlines the goal and objectives of the Pilot Project, an overview of the key methodologies and tools, and possible suggestions on how to use this guidance. Part 2 outlines Party obligations as required by selected articles of the Rotterdam Convention and provides guidance for developing "benchmarks". Part 3 and Part 4 provide methodologies for preparing a National Capacity Assessment and a NAP respectively.

The approach a country takes in using this guidance is dependent upon its own particular country context and objectives. Interpretation and modification of the process, tools, etc. outlined here should be made in order to ensure that NAP development is undertaken in a way that best suits country needs.

1.2 Pilot Project Goal and Objectives

The overall goal of the Pilot Project is for countries to strengthen their implementation of the Rotterdam Convention, and plan actions that will allow them to meet their obligations as Parties to the Convention. A key aspect of ensuring that these actions are successfully implemented is the integration of planned actions with activities already ongoing at the national level. This goal can be broken down into a number of objectives that can be seen as milestones for countries implementing the project. These objectives include to:

- Ensure that all relevant national actors with a role to play in implementing the Rotterdam Convention are familiar with the obligations under the Convention
- Assess existing national capacities to meet obligations
- Identify gaps in current capacities
- Plan actions to address gaps and achieve full implementation
- Establish priorities for action
- Identify opportunities to integrate actions to implement the convention with activities ongoing at the national level, using existing structures and expanding their activities
- Identify, as appropriate, those areas where further assistance might be needed

In order to achieve these objectives, countries participating in the Pilot Project undertake project activities over a four-month implementation period that follows two key stages: (i) preparing a National Capacity Assessment and (ii) holding a National Workshop to develop elements of a draft NAP. The main steps in these two stages are presented in a project roadmap in Annex 1 of this guidance document.

1.3 Key Methodologies and Tools

A key tool that may be used for both preparing a National Capacity Assessment and developing a NAP for the implementation of the Rotterdam Convention is a set of worksheets (see Annex 3 of this guidance document), developed by the Secretariat of the Rotterdam Convention, that have been structured around the key obligations under the Convention. The completion of these worksheets helps to develop, step-by-step, an understanding of what has already been done and what gaps remain (the National Capacity Assessment) and what needs to be done, by whom, and when (the NAP).

Table 1 below presents the column headings (and additional annotations) that are used in each of the worksheets. It is recommended that the columns are completed in sequential order, with each column building on the information in the previous column. The finalized worksheets can provide the main content for the NAP for implementation of the Rotterdam Convention.

Table 1: Worksheets for Developing a National Action Plan for Implementation of the Rotterdam Convention Column Headings

<table>
<tr><td colspan="5">Leading questions:
Specific questions on the obligation considered and issues for implementation and enforcement</td></tr>
<tr><td>1</td><td>2</td><td>3</td><td>4</td><td>5</td></tr>
<tr><td colspan="2"><u>National Capacity Assessment</u></td><td colspan="3"><u>National Action Plan</u></td></tr>
<tr><td>Available infrastructure</td><td>What has been done?
What is missing?</td><td>Proposed Actions:
What needs to be done?</td><td>Responsible Actors:
Who is responsible/ involved and how to proceed?</td><td>Timelines: When?</td></tr>
<tr><td colspan="5">Leading questions:
Information exchange provisions
Specific questions related to Articles 14, e.g. to what extent is information coming from other countries is taken into account in your country?</td></tr>
</table>

National Capacity Assessment

In the Pilot Project, countries typically identify a national consultant, who is familiar with the Rotterdam Convention, to undertake a National Capacity Assessment to implement the Rotterdam Convention (alternatively the Designated National Authority (DNA) for the Rotterdam Convention might undertake this role). The consultant draws upon existing materials that provide information on the capacities for sound chemicals management at the national level, and compares current capacities against those required to enable the country to meet its obligations under the Rotterdam Convention. This allows the consultant to identify *what is already in place* and *what is missing*. Key source documents include, where available, the National Chemicals Management Profile, National Implementation Plan (NIP) for the Stockholm Convention or documents prepared for the Strategic Approach to International Chemicals Management (SAICM).

In conducting the National Capacity Assessment, the consultant may wish to:

1. develop an assessment report which would answer the "leading questions" (presented in the worksheets, and in section 3.2 of this document)
2. complete columns 1 and 2 of the worksheets, detailing existing capacities and identifying gaps

The assessment report and worksheets should be made available to the National Workshop.

National Workshop to Develop Elements of a Draft National Action Plan for Implementation of the Rotterdam Convention

Participating Pilot Project countries also organise a national workshop, at which participants work together to develop elements of a draft NAP for implementation of the Rotterdam Convention. The workshop format consists of both plenary sessions and working group discussions, and should include national actors involved in chemicals management, including the DNA for the Rotterdam Convention, representatives of various government ministries, industry, and non-governmental organisations (NGOs), as well as the national focal points of relevant international agreements including the Basel and Stockholm Conventions and SAICM. At the workshop, participants review previous action plan training provided by UNITAR and use this guidance document and related methodology as a framework for developing the draft NAP.

The overall objective of the workshop is to facilitate a national dialogue involving relevant stakeholders on the Rotterdam Convention and develop elements of a draft NAP for the implementation of the Rotterdam Convention. A further objective is to ensure that participants identify possible synergies among all of the chemicals management activities with a view to strengthening the collaborative framework at the national level as a foundation for effective and coordinated action to address national chemicals management and raise the priority for implementation of those programmes.

The workshop is structured around a number of presentations by the Secretariat of the Rotterdam Convention and UNITAR, country presentations on specific elements, and plenary discussion on the issues including a question and answer session. During the workshop, participants review the major obligations and elements under the Rotterdam Convention such as import responses, notification of final regulatory action, severely hazardous pesticide formulations (SHPFs), and export notifications. The participants review the obligations for the country; identify the legal and administrative basis available in the country; linkages to other national programmes; the actions taken at national level; the actions yet to be taken; as well as assign responsibilities and timelines for the actions to be taken. These elements of the NAP are captured in tabular form.

The outcome of the National Workshop is typically elements of a NAP to implement the Rotterdam Convention, which defines what needs to be done, assigns timelines and specific responsibilities, and includes some priorities for action. The document could serve as a basis upon which the country can develop requests to donors for specific technical assistance activities.

1.4 Additional Details on How to Use this Document

This document has been structured to provide guidance and outline methodologies that countries may choose to use when undertaking the activities outlined above. Since much of the work will likely be undertaken at the National Workshop, participants should be provided with copies of this guidance in advance of the workshop, in order to familiarise themselves with the obligations of the Rotterdam Convention and with relevant methodologies.

Part 2 "Understanding Party Obligations as Required by Selected Articles of the Rotterdam Convention": This part may be used by the national consultant and workshop participants to review key obligations under the Rotterdam Convention that Parties to the Convention are required to implement. As such, this section facilitates the development of benchmarks against which the national consultant could compare existing national capacities when conducting the National Capacity Assessment. The national consultant may therefore wish to firstly read through Part 2 to update knowledge on the Rotterdam Convention, and secondly refer back to this part when conducting the National Capacity Assessment.

Part 3 "Preparing a National Capacity Assessment: Assessing National Capacities to Implement the Rotterdam Convention and Analysing Potential Weaknesses or Gaps": This part describes the steps involved in conducting a National Capacity Assessment, and may serve as valuable guidance for the national consultant when collecting "baseline" information on capacities to manage chemicals. Such information would primarily come from key documents such as the National Profile and NIP. This part also includes a series of "leading questions" (also presented in the worksheets), and provides further details on using the worksheets as a tool for organising the capacity assessment.

Part 4 Developing a National Action Plan for Implementation of the Rotterdam Convention: This part provides guidance on the key steps involved in the development of a NAP, and can be used by participants at the National Workshop. The methodology described in this section provides a structure for working group discussions on actions to address gaps, identify possible actors and timeframes, and prioritise actions.

2. UNDERSTANDING PARTY OBLIGATIONS AS REQUIRED BY SELECTED ARTICLES OF THE ROTTERDAM CONVENTION AND PREPARING BENCHMARKS

2.1 Introduction

Part 2 provides a review of the key obligations under the Rotterdam Convention and is organised according to the relevant articles of the Convention. The text of the articles of the Convention is excerpted in Annex 2 of this guidance document. Each section below includes a brief introduction to the specific obligation, followed by an overview of the legal and administrative framework required to implement this obligation, and concludes with a list of the responsibilities of the DNA.

Countries are encouraged to use this part of the document to refresh their knowledge of the Rotterdam Convention. In addition, it is recommended that the national consultant prepare a list of "benchmarks" for each section, against which current national capacities can be compared when conducting the National Capacity Assessment in order to facilitate the identification of gaps and weaknesses (see Part 3). A benchmark (or point of reference from which progress can be measured and compared to the target) could be, for example, the number of import responses notified to the Convention Secretariat regarding substances from Annex III).

The information in this section will also be useful to workshop participants when assessing capacities, identifying gaps, and planning actions.

2.2 Establishing a Designated National Authority, Article 4

Parties are required to designate one or more national authority, which then represents the primary point of contact for matters related to the operation of the Convention and is authorized to perform the administrative functions necessary for the operation of the Convention.

Legal and Administrative Aspects

Legal and administrative aspects to consider when establishing a Designated National Authority (DNA) include:

- Establish a new entity or select existing body/s with the legal competence to act—in many countries the DNA is a governing department or office responsible for broad policy decisions with the authority to decide which chemicals are used in the country (in some cases, a countries have established two DNAs: one for pesticides and one for industrial chemicals)
- Ensure that there are sustained financial resources to support the required administrative capacity and staffing of the DNA
- Notify the Convention Secretariat of the name and address of the authority/s (a list of the current DNAs may be found on the Rotterdam Convention website at www.pic.int)

Responsibilities of the DNA

The specific responsibilities and functions of the DNA are set out in Article 5, 6, 10, 11, 12, 13 and 14 of the Convention; most of these articles are also provided in Annex 2 of this guidance document.

2.3 Notifications of Final Regulatory Actions, Article 5 and Annex I

Article 5 requires Parties to notify the Convention Secretariat when a final national regulatory action to ban or severely restrict a chemical has been taken. Annex I to the Convention sets out the information requirements for these notifications, where it is available Parties are to include this information in the notifications submitted to the Convention Secretariat. The Convention does not prescribe how Parties should regulate chemicals or what information they should consider in making such decisions. The notification should describe the scope of the regulatory action, *inter alia* the categories and/or uses to which the action applies, the chemical concerned and details of the regulatory decision. The notification should also include the reason a decision was taken and whether it was based upon a risk or hazard evaluation. In order to facilitate the preparation of these notifications, a form has been developed that provides a standard format for describing the individual national regulatory actions (see http://www.pic.int/home.php?type=t&id=35&sid=32).

Legal and Administrative Aspects

Legal and administrative aspects to consider when preparing a notification of final regulatory action include:

- Establish procedures for triggering the preparation and submission of a notification in response to national regulatory actions to ban or severely restrict a chemical within 90 days after the action has been taken
- Provide information and documentation on the scope of the final regulatory action e.g. identification of the chemical, types of formulations, uses that are prohibited as well as the expected effect of the final regulatory action
- Provide information and documentation on the reasons for the final regulatory action including the underlying scientific basis e.g. unacceptable hazard or risks to human health or the environment

Responsibilities of the DNA

- Ensure communication between the DNA and bodies/ministries responsible for decision making on chemicals and a timely transfer/sharing of technical information
- Notify the Convention Secretariat of national final regulatory actions to ban or severely restrict a chemical through the preparation and submission of a notification of final regulatory action form that describes the national action

2.4 Proposing Severely Hazardous Pesticide Formulations, Article 6 and Annex IV

Article 6 differs from Article 5 in that the submission of proposals regarding severely hazardous pesticide formulations is **not obligatory.** It is limited to developing countries and countries with economies in transition (CEIT) that are experiencing problems with severely hazardous pesticide formulations under the conditions of use

in their territory. In preparing such a proposal the Party may draw upon technical expertise from any relevant source. The information required in support of such a proposal from a proposing Party is specified in Annex IV, Part 1 of the Convention. In order to facilitate the preparation of these proposals, incident report forms have been developed for both environmental incidents and for human health incidents (see http://www.pic.int/home.php?type=t&id=38&sid=34). They are intended to provide a clear description of incidents related to the use of the pesticide formulation, any adverse effects and the way in which the formulation was used.

Legal and Administrative Aspects

Legal and administrative aspects to consider when developing a proposal for severely hazardous pesticide formulations:

- Developing countries and CEIT may establish a system to monitor pesticide use in order to document incidents causing health or environmental problems under their conditions of use and to identify the formulations involved

Responsibilities of DNA and Others

- Identify sources of information on pesticide poisoning incidents in order to document the adverse effects, the manner in which the formulations were used, the name and type of formulation and the names and relative amount of each active ingredient
- Have an understanding of the common and recognized patterns of use of specific pesticides and pesticide formulations in their country
- Ensure communication with other bodies at the national level that may have information on pesticide poisoning incidents (e.g. NGOs, field) as well as with the Convention Secretariat
- Propose to the Convention Secretariat any proposal that the country considers relevant in this context

2.5 Import Responses, Article 10

Article 10 is one of the key provisions of the Convention relevant to the operation of the Prior Informed Consent (PIC) procedure. It sets out the obligations and related process for the submission of responses concerning the future import of chemicals listed in Annex III of the Convention and subject to the PIC procedure. The Convention does not prescribe how Parties should take these import decisions or what information they should consider in making such decisions. It is essential however, that the import decisions are applied equally to all importers and that where it is decided to not accept future imports of a chemical that there be no domestic production for domestic use.

Upon entry into force of the Convention for a Party it (the Party) is to submit import responses for each of the chemicals listed in Annex III of the Convention. On an ongoing basis, in order to fully benefit from the protection provided from unwanted imports by the PIC procedure, Parties are to submit to the Convention Secretariat their import decisions for individual chemicals within nine months after the date of dispatch of the relevant decision guidance document. In order to facilitate the preparation and submission of an import decision a standard form has been developed (see http://www.pic.int/home.php?type=t&id=32&sid=31). In line with paragraph 10

the import decisions for individual chemicals submitted by Parties are compiled by the Convention Secretariat and circulated to all Parties every six months through the PIC Circular. The PIC Circular also includes a list of those Parties that have failed to provide import responses for individual chemicals.

Legal and Administrative Aspects

Legal and administrative aspects to consider when developing and transmitting import decisions regarding Annex III chemicals and enforcing these decisions include:

- National laws or administrative measures to ensure timely decisions on the future import of chemicals listed in Annex III of the Convention, for the enforcement of these decisions e.g. consistent application to all sources of import and the ability to prohibit domestic production of a chemical for domestic use
- Appropriate decision making procedures and dissemination of these decisions to relevant national authorities including customs authorities, industry and others involved in the trade in chemicals
- A system for the enforcement of these import decisions e.g. consistent application to all sources of import

Responsibilities of DNA and Others

- For each of the chemicals listed in Annex III of the Convention and subject to the PIC procedure, have access to national information on their regulatory status, domestic use, domestic production and, as appropriate, alternatives e.g. in the case of pesticides chemical or non-chemical alternatives
- Ensure timely submission to the Convention Secretariat
- The process for making import decisions will vary from country to country in part as a function of how chemicals are regulated. For example where a positive list of registered chemicals is available, import decisions may be relatively straight forward e.g. on the list, yes to import; not on the list, no to import. In other situations a more detailed review of the chemical may be required in order to take a decision on future import
- Where there is a problem in making a final decision take an interim decision pending the collection and consideration of relevant information needed to make a final decision
- Communicate the import decisions to the Convention Secretariat in a timely manner
- Maintain a list of national import decisions on Annex III chemicals and communicate them to those stakeholders that may be affected by them e.g. customs authorities, industry, chemical traders etc.
- Review the national import decision as reported in the PIC Circular to ensure that they correctly reflect the status in the country

2.6 Export of Annex III Chemicals, Article 11

2.6.1 Obligations in relation to Export of Annex III Chemicals where an Import Decision is Available

Article 11 is one of the key provisions of the Convention relevant to the operation of the Prior Informed Consent (PIC) procedure. It sets out the obligations on Parties in relation to exports of chemicals listed in Annex III of the Convention and subject to the PIC procedure. Parties are to ensure that export of Annex III chemicals do not occur contrary to the import decisions of other Parties as contained in the PIC Procedure. As noted under Article 10, the PIC Circular is published every six months (June and December); it lists all of the import decisions for individual chemicals submitted by Parties. It also identifies those Parties that have not submitted import responses for individual chemicals.

Legal and Administrative Aspects

Legal and administrative aspects to consider when controlling export of Annex III chemicals:

- To ensure that the import decisions of importing Parties as set out in the PIC Circular are communicated to exporters in a timely manner and that exporters comply with these decisions not later than 6 months after the date on which the Convention Secretariat first informs the Parties of such response
- To ensure that the export of chemicals listed in Annex III of the Convention does not occur contrary to an import decision of a Party (e.g. not be allowed unless explicit consent) as set out in the PIC Circular

Responsibilities of DNA and Others

- Ensure that the information in the PIC Circular is formally communicated to relevant stakeholders including customs authorities, industry and chemical traders on a regular basis. This could include direct correspondence, the use of government publications such as gazettes or websites, advertisements or notices within the electronic or printed media
- Ensure access to relevant information from within the country that is relevant for communication to the Convention Secretariat
- The specific role of the DNA will be a function of the legal or administrative framework in a country. For example one option could be to pass a law that would make it an offence to export chemicals listed in Annex III of the Convention unless issued a permit to do so. The DNA could be responsible for issuing a permit to allow export to those countries that have consented to further imports
- Where a country is exporting a chemical included in the PIC procedure, the DNA upon request and as appropriate is to provide information to an importing country that would assist them to make a decision on future import of the chemical. This is linked in part to Article 10, where for chemicals listed in Annex III of the Convention, the DNA should have access to national information on their regulatory status, domestic use, domestic production and as appropriate alternatives e.g. in the case of pesticides chemical or non-chemical alternatives

2.6.2 Obligations regarding the Export of Annex III Chemicals; where an Import Decision is Not Available

According to paragraph 2 of Article 11 no export of chemicals in Annex III of the Convention should take place, unless:

- The specific chemical was registered in the importing country at the time of the import
- The specific chemical has always been exported into the importing country and no action to prohibit its use has taken place
- The DNA of the importing country has consented or communicated a request for the importation of the chemical to the exporting country

In such cases the obligations of the exporting Parties will apply from the expiration of a period of six months from the date when the Convention Secretariat first informed the Parties that a Party failed to submit an import decision and this is applicable for 12 months.

Legal and Administrative Aspects

Legal and administrative aspects to consider when controlling exports in the absence of an import response:

- To ensure that in case an importing Party has failed to provide import response the conditions upon export specified in Article 11.2 are met

Responsibilities of DNA and Others

- Keep track of the time elapsed between the date on which the Convention Secretariat first informs Parties through the PIC Circular that a Party has not provided an import response and to judge when export restrictions are required and when the conditions in an importing Party allow for export of an Annex III chemical to that Party
- Access to information on whether another Party has registered, used, imported and taken regulatory action to prohibit use of a chemical, in absence of their import response
- In countries that have failed to provide import responses, respond within 60 days to requests for explicit consent from exporters for shipments of chemicals in Annex III of the Convention, and to inform the Convention Secretariat of such decisions
- Establish communication channels with DNAs in key trading partners e.g. both importing countries and exporting countries

2.7 Export Notifications, Article 12 and Annex V

Export notification is a key component of the information exchange provisions of the Convention. It applies to chemicals which have been banned or severely restricted in an exporting Party. Such chemicals will have been notified to the Convention Secretariat under Article 5 and a summary of the regulatory action published in the PIC Circular. Export notifications can be seen as a as a reminder to an importing Party that a shipment of a chemical that has been banned or severely restricted in the exporting party is being shipped. The Convention does not prescribe how the process of export notification is to be implemented, however, a standard

format has been developed for an export notification (see http://www.pic.int/home.php?type=s&id=76&sid=76). The information that is to be provided in an export notification is specified in Annex V of the Convention.
It is important to distinguish the export notification process from the PIC procedure in that it does not ask Parties for a decision regarding import of the chemical.

Legal and Administrative Aspects

Legal and administrative aspects to consider when exporting chemicals that have been banned or severely restricted:

- National laws or administrative measures to ensure that prior to the first export in a calendar year of a chemical that is banned or severely restricted nationally an export notification is sent to the importing Party in accordance with Article12 and Annex V of the Convention
- Process to acknowledge receipt of an export notification within 30 days
- Consider how export notifications might be compiled as basis for or contribution to a database or registry of chemicals used in the country

Responsibility of DNA and/or Exporter

- The DNA should acknowledge receipt of an export notification within 30 days
- In exporting countries the precise role of the DNA and that of the exporters will be a function of the legal or administrative framework in the country
- DNA will need to have sufficient administrative capacity to work with exporters to generate export notifications following Annex V of the Convention, include information in Annex I of the Convention regarding final regulatory action
- Update export notifications to importing Parties following final regulatory action resulting in a major change concerning the ban or severe restriction of a chemical
- Establish effective communication channels with DNAs in key trading partners

2.8 Information Exchange and Implementation, Articles 13, 14 and 15

Articles 13, 14 and 15 contain further obligations related to information exchange and implementation of the Convention, including the following:

- Harmonized customs code (WCO)
- Labelling chemicals in Annex III of the Convention, banned/severely restricted, or subject to labelling requirements (e.g. GHS)
- The use of safety data sheets (SDS) for chemicals that are to be used for occupational purpose (e.g. WHO, MSDS)
- Provide the label and SDS in the languages of the importing Party
- Scientific, technical and regulatory information
- Information and initiatives at the national level to support implementation. These may include the establishment of national registers and database, the encouragement of initiatives by industry to promote chemical safety and other measures. To the extent practicable to ensure that the public has appropriate access to information on chemicals handling, accident management and on alternatives that are safer than Annex III chemicals

- Information on a broad range of chemicals banned or severely restricted to protect human health or the environment is available under the Rotterdam Convention (see http://www.pic.int/home.php?type=s&id=30&sid=30)

Legal and Administrative Aspects

Legal and administrative aspects to consider when establishing systems for information exchange and management:

- Examine current legal and administrative systems to determine whether they cover the requirements to implement this obligation
- In light of this, Parties may wish to incorporate those requirements into their current legal and administrative systems where necessary
- Parties should also consider how the information available on banned or severely restricted chemicals under the Rotterdam Convention might be used in chemicals management activities in the country

2.9 Output of Understanding Party Obligations as Required by Selected Articles of the Rotterdam Convention and Preparing Benchmarks

The key output of this process could be a set of benchmarks for each section, against which current national capacities (legal, administrative, operational) can be compared when conducting the National Capacity Assessment, in order to facilitate the identification of gaps or weaknesses.

3. NATIONAL CAPACITY ASSESSMENT: ASSESSING NATIONAL CAPACITIES TO IMPLEMENT THE ROTTERDAM CONVENTION AND ANALYSING POTENTIAL WEAKNESSES OR GAPS

3.1 Introduction

Part 3 presents a methodology for conducting an assessment of existing national capacities for implementation of the Rotterdam Convention and for identifying possible gaps. Through this part of the methodology, the national consultant[1] will gather and analyse information on current capacities under each obligation, as well as compare this against the obligations outlined and benchmarks developed in Part 2.

The capacity assessment should result in a clear understanding of *what has been done* so far in the country (as well as what systems and procedures have been set up, and who is responsible) and *what has not yet been implemented*. The consultant should also seek and include information on specific challenges that may have prevented implementation. The consultant will present the results of the capacity assessment—the assessment report and columns 1 and 2 of the worksheets—to participants at the National Workshop.

The capacity assessment draws on existing documentation on chemicals management rather than duplicating prior efforts. Key source documents include, where available, the National Chemicals Management Profile, NIP for the Stockholm Convention or documents prepared for SAICM. This documentation may be supplemented by information gathered through such techniques as interviews, personal communications, group discussions, site visits, and literature reviews.

3.2 Assessment of National Capacities to Implement Obligations under the Rotterdam Convention

The consultant may wish to begin the capacity assessment by preparing an assessment report: answering the leading questions listed below (also presented in the worksheets). In addition, the consultant should insert relevant information on the capacities related to each obligation in the worksheets in Annex 3 of this guidance document—in the first column regarding the *current infrastructure* and the second column regarding *what has been done*. Four worksheets have been developed focussing on the most important obligations[2]:

- Notifications of Final Regulatory Actions
- Import Response
- Proposals for SHPFs
- Export Notification

If not addressed while working through Part 2 of this guidance, it is also relevant for the national consultant to begin by asking whether the country manufactures and

[1] It is important that the DNA is also involved, since the DNA should have access to information on what has already been done and by whom.

[2] Note: Obligation regarding "Controlling exports of Annex III chemicals" is covered under the Obligation "Import responses". Obligation regarding "Information Exchange" is included in each worksheet.

exports any Annex III chemicals, or any chemicals that are banned or severely restricted under national legislation. In reviewing national exports of Annex III chemicals, the consultant should also consider Annex III chemicals that might be imported and repackaged or reformulated in the country for export. Where countries do not export such chemicals, their obligations under the Rotterdam Convention are reduced, since they will not have obligations under Article 11 regarding exports of chemicals listed in Annex III of the Convention and under Article 12 regarding the provision of export notifications. However, countries that do not export chemicals still have obligations as importing countries under Article 12 of the Convention: they must acknowledge receipt of the export notifications they receive and give adequate responses (see subsection on "Obligation for importing countries: Export notifications, Article 12 and 13 and Annex V" below for further details).

Obligation: Notification of final regulatory actions, Article 5

Taking Final regulatory actions on chemicals and notifying the Convention Secretariat

- Describe the process followed in taking final regulatory actions on chemicals (pesticides and industrial chemicals) in your country (who is involved and how would you characterize the result, e.g. are chemicals banned (negative list of chemicals), permitted for use without restrictions (positive list), permitted but subject to use restrictions
- Briefly describe the basis for final regulatory actions to ban or severely restrict a chemical, e.g. are they based on a hazard evaluation, a risk evaluation, regulatory decisions taken in other countries etc.?
- How is a final regulatory action taken and how are the reasons underlying the decision documented, e.g. why a chemical may be banned or severely restricted? Is it based on a hazard review or risk evaluation under prevailing condition, and is this information available to the DNA?
- Which processes are in place to notify the Convention Secretariat of any/all final regulatory actions to ban or severely restrict a chemical in line with Article 5?
- What chemicals are banned or severely restricted in the country? (thereby requiring the DNA to notify the final regulatory action to the Convention Secretariat of the Rotterdam Convention)

Implementation and enforcement

- What are the challenges to taking final regulatory actions to ban or severely restricted chemicals?
- Which challenges are faced by the DNA in notifying the Convention Secretariat of final regulatory actions to ban or severely restrict chemicals?

Obligation: Generating import responses, Article 10 (Obligation: Controlling exports of Annex III chemicals is covered under this topic)

Taking an import decision and submitting to the Convention Secretariat

- What is the legal or administrative basis for taking an import decision for chemicals listed in Annex III of the Convention (e.g. these chemicals may have been banned, subject to use restrictions, registered without use restrictions, never registered)?
- What information is considered in taking import decisions for chemicals listed in Annex III of the Convention, and to what extent is the Decision Guidance Document considered in taking such decisions?
- Is there a procedure in place to ensure timely decision making and submission of an import response to the Convention Secretariat?
- What are the challenges in implementing a procedure for the preparation and submission of import responses under Article 10?

Implementation and enforcement

- Have import responses been communicated to the Convention Secretariat regarding the chemicals listed in Annex III of the Convention? Is there a mechanism to do so? Has it been used? (Also see benchmarks developed in Part 2)
- Are there legislative or administrative measures in place to communicate all import decisions for chemicals in Annex III of the Convention as reported in the PIC Circular, to those concerned within your country (identify who communicates to whom, how, when and what)?
- Are those concerned aware of the implications of your national import decisions, e.g. need to cease local production in case of no consent? Is this being enforced? How?
- Are there legislative or administrative measures in place to ensure that any export of the chemicals listed in Annex III of the Convention complies with import decisions of importing Party (identify how is the procedure and who are responsible)?
- What are the challenges associated with enforcing national import decisions and ensuring the import decisions of importing countries are respected?

Obligation: Procedures for severely hazardous pesticide formulation, Article 6

Collecting information on pesticide poisoning incidents and submitting proposals to the Convention Secretariat

- What systems are in place to collect information on pesticide poisoning incidents (human health or the environment)?
- Where information on pesticide poisoning incidents is collected, is it sufficiently detailed to support a proposal regarding a SHPF under Article 6?

- What process is or would need to be put in place in order for such information to be made available to the DNA and for the DNA to use this information to prepare and submit a proposal to the Convention Secretariat under Article 6?

Implementation and enforcement

- Are there any submissions of proposals regarding severely hazardous pesticide formulations?
- To what extent are the incident report forms (SHPF-forms) developed by the Convention Secretariat used to collect information on pesticide poisonings?
- What are possible approaches to raise awareness about reporting incidents caused by severely hazardous pesticide formulations? What role might be played by NGOs in collecting information on pesticide poisoning incidents? Are there poison control centres in the country? Are these in the field or centralised? Are they encouraged to collect such information? And to forward it to the DNA?
- What are the challenges faced by the DNA in preparing a proposal on a SHPF and submitting it to the Convention Secretariat?

Obligation: Export notifications, Article 12 and 13 and Annex V

Receipt of export notifications

- What process is in place for acknowledging the receipt of export notifications?
- What would be necessary to ensure timely acknowledgement (identify who communicates to whom, how, when and what)?
- What are the challenges in developing and implementing a process for the timely acknowledgement of export notifications?
- Does receipt of an export notification trigger a national follow-up action?

For exporting countries: Preparing /submitting an export notification and preparing information (Art 12) to accompany shipment (Art 13)

- What chemicals are banned or severely restricted nationally?
- What system is in place to control and monitor the export of chemicals that are banned or severely restricted at national level (identify, who communicates to whom, how, when and what)?
- What system is in place to ensure that export notifications are sent prior to export of chemicals that are banned or severely restricted at national level (identify, who communicates to whom, how, when and what)?
- What system is in place to ensure that the information requirements under Article 13 of the Convention are met when banned or severely restricted chemicals are exported (identify, who communicates to whom, how, when and what)?
    - the specific Harmonized System customs code developed by the World Customs Organization (WCO) is provided?

- the exporters apply these Codes and customs authority in your country checks them?
- labels in one of the official languages of the importing country are provided?
- a safety data sheet is provided?

- What are the challenges in developing and implementing the necessary processes and who would need to be involved?

3.3 Identification of Pending Actions and Analysis of Capacity Gaps

In undertaking an analysis of capacity gaps—asking *what is missing*—the national consultant will identify those areas where work still needs to be done to implement the Convention, based on the assessment report, information in the National Profile, NIP, etc. The aim of this step is to identify where there are gaps in existing capacities, where activities are ineffective in meeting obligations, and where infrastructure to support the required activities are missing. The national consultant may also outline specific challenges to the successful implementation of required activities.

In some cases, a lack of capacity is the main reason for a lack of action at the national level regarding Rotterdam Convention implementation. In other cases—for example, where a country has made import responses for some of the pesticides listed in Annex III, but the remaining import decisions are not transmitted to the Secretariat—lack of action is not due to a lack of capacity, but can instead be attributed to the action being a low priority for the DNA, to the fact that the chemicals are not used in the country, lack of communication between different agencies, etc. It is therefore also important to identify pending actions in addition to capacity weaknesses and gaps.

Having prepared the assessment report and with information on existing capacities entered into the worksheets—in the first column regarding the *current infrastructure* and the second column regarding *what has been done*—the national consultant will then be in a position to conduct a systematic comparison of information on existing capacities for each obligation, against the benchmarks identified in Part 2. The consultant will then be able to highlight those areas where national capacities and processes are weak or structures and mechanisms are absent.

3.4 Output of the National Capacity Assessment

The key output of this process will be the assessment report (i.e. answers to the leading questions) and completed worksheets (columns 1 and 2) which provide a summary of national capacities for implementation of the Rotterdam Convention, specifically, the *current infrastructure* (e.g. legal, administrative) and *what has been done;* and related weaknesses and gaps, i.e. *what is missing*? The consultant will present the results of this capacity assessment to participants at the National Workshop.

4. DEVELOPING A NATIONAL ACTION PLAN FOR IMPLEMENTATION OF THE ROTTERDAM CONVENTION

4.1 Introduction

Part 4 outlines the application of action plan methodology to developing a NAP for implementation of the Rotterdam Convention. It is intended to provide guidance to participants at the National Workshop, and as such provides suggestions for how to set the stage for developing the NAP and how to then organise the planning of actions, identification of responsible actors, and establishment of timeframes.

Steps for the setting up the NAP development process are addressed in sections 4.2 to 4.4, which include:

- undertaking an overview in plenary of the Rotterdam Convention, obligations, and overall goal of the NAP (section 4.2)
- reviewing and endorsing the National Capacity Assessment (section 4.3)
- prioritizing obligations where actions are required (section 4.4)

Steps to be undertaken in the working groups to develop the concrete details of the NAP[3] are addressed in sections 4.5 to 4.10, which include:

- defining activities to address gaps
- breaking down activities into tasks
- considering order of activities and tasks
- identifying actors
- establishing realistic activity timeframes
- defining the budget

Section 4.11 provides some suggestions for prioritizing activities and section 4.12 considers wider issues that participants may choose to discuss in plenary when reviewing the working group output. Finally, section 4.13 provides guidance on pulling the worksheets together to finalize the NAP, including the development of an executive summary.

More in-depth guidance on action plan development can be found in "Guidance on Action Plan Development for Sound Chemicals Management" (see www.unitar.org/cwm).

4.2 Undertaking an Overview of the Rotterdam Convention, Obligations, and Overall Goal of the National Action Plan

An overview of the Rotterdam Convention followed by a more in-depth discussion of specific obligations can be undertaken in plenary in the National Workshop, in order to ensure that all workshop participants have a common goal in mind when working on the NAP.
The National Workshop should also include a review of the national status of implementation of the Rotterdam Convention, including an overview of what is

[3] Many of the above steps are addressed in columns 3, 4, and 5 of the worksheet. In addition, participants may wish to also consider order of activities and tasks, and defining the budget.

working well, and weaknesses and gaps in current activities. Participants may find that ongoing activities can be expanded to address these gaps.

The overall goal of the NAP is to fully implement the Rotterdam Convention and meet the requirements of the obligations listed in Part 2 of this guidance document. This will include ensuring that decisions to import Annex III listed chemicals are based on a judicious assessment of national capacities to manage those chemicals, taking into consideration national conditions; that export notification is provided for chemicals that are banned or restricted at the national level; and that Annex III listed chemicals are not exported to countries that have provided a negative import response for a given chemical.

Developing the NAP—a structured approach to the implementation of the Rotterdam Convention, identifying key activities, responsibilities, timelines, and priorities for action—will help to ensure protection from unwanted trade through the PIC procedure and strengthen national decision-making on chemicals by making use of the information on hazardous chemicals available under the Convention.

4.3 Reviewing and Endorsing the National Capacity Assessment

Following a presentation of the results of the national consultant's work on assessing capacities and analysing gaps, workshop participants will have an opportunity to comment on the results and update or add information, as appropriate. Since the work of the national consultant will be primarily based on the information available in the National Profile and Stockholm NIP as well as selected interviews and information sources, there may be some areas where further activities have been undertaken since the documents were published. As key actors in national chemicals management, workshop participants may be in a position to provide more complete or up-to-date information or to expand on the information already included, for example by identifying the actors involved or, in the case of gaps, highlighting specific challenges.

Once the information on existing capacities and gaps has been agreed upon, this will provide a basis for identifying those obligations where action is required and prioritizing them for further discussion.

4.4 Identifying Obligations for Action

Following consensus on existing capacities and gaps (based on the National Capacity Assessment), participants at the workshop can decide in plenary which of the obligations should be prioritized for discussion. For example, countries that do not export chemicals might not consider the control of exports as a priority. In addition, the obligation on information exchange (Article 14) will be addressed under the main obligations (presented below). Working groups may be formed to discuss the following obligations:

- Import responses, Article 10 (also dealing with Control of export, Article 11)
- Notifications of final regulatory actions, Article 5
- Proposing severely hazardous pesticide formulations, Article 6 and Annex IV of the Convention
- Export notifications, Article 12 and Annex V of the Convention

Proposing SHPFs under Article 6 is not obligatory, but rather an action that developing countries and countries with economies in transition may chose to undertake in the case of recorded cases of pesticide poisoning or other incidents (including environmental effects). This is to be linked to candidates for potential inclusion in Annex III through the procedures of the convention.

4.5 Defining Activities to Address Gaps

Activities are the highest level of action in the action plan hierarchy (see Annex 4 of this guidance document)—they set the path for which the fine details are developed. An activity can be defined as an element of work performed during the course of a project. An activity has an expected duration, cost, and resource requirements.

The working groups should review the capacity gaps identified against existing capacities listed in the worksheet for that obligation. They may then find that a number of the activities under each obligation has already been achieved, while in other areas existing capacities to achieve objectives are weak or absent. These gaps then provide direction for defining activities, while information on existing capacities can point to opportunities to integrate planned activities with ongoing activities, or to expand on existing capacities. Participants should consider ongoing national activities to implement other chemicals-related agreements such as the Stockholm and Basel Convention and the International Code of Conduct on Pesticides, and other national activities related to sound chemicals management.

One approach to identifying and selecting activities begins with a brainstorming session. Working group members can identify any activities that they believe will help to ‘fill the gaps’. These suggestions can be collected and compared, providing a comprehensive list which can then be assessed in order to develop an effective and logical set of activities. It may also be helpful to consult with those (working group members, other organisations, etc.) who have had experience with similar action plans in the past.

Once activities have been proposed and agreed upon in the working groups, they should be entered into the column 3 of the worksheets.

4.6 Breaking Down Activities into Tasks

Since the activities are typically large elements, they will need to be broken down into more manageable tasks. Activities should only be broken down to a level which enables the NAP development working groups to effectively and realistically estimate time and resource requirements and provides enough information for those responsible for the particular activity or task. Breaking down activities into too much detail overemphasises the role of planning and makes it difficult to easily obtain an overview. Experience shows that it is difficult to control more than 5-10 tasks per activity.

4.7 Considering Order of Activities and Tasks

With a comprehensive list of activities and tasks required to complete the NAP, it is important to assess how they relate to each other in order to determine the necessary

sequence of implementation and identify any dependencies. In other words, which activities/tasks can begin immediately? Which activities/tasks need to be completed before others can begin? Do some activities/tasks need to start at the same time?

4.8 Identifying Actors

Once activities and tasks have been planned, the working groups can begin considering which national actors may take responsibility for implementing these. In allocating responsibilities, working groups should attain the agreement and commitment of the main responsible actors, and ensure that they have the knowledge, commitment, capacity, and skills to perform the action.

Annex 5 of this guidance document includes a tool that may prove useful to working groups in identifying possible actors, categorizing them in terms of their current interests and mandates, and determining their involvement in ongoing activities. The "Responsibility Assignment Matrix", another tool presented in Annex 5 of this guidance document, can also assist with this step. This information then provides a basis for assessing their potential contribution to implementing planned activities and tasks that may have similar capacity requirements to ongoing activities.

Given the range of representatives from different government ministries that are likely to be present at the workshop, participants may be able to highlight similar ongoing activities currently being implemented by their ministry or agency that could easily be expanded to include proposed activities. In particular, those actors present at the workshop can review their own potential to contribute and, where appropriate, commit to taking on responsibility for new activities.

Key questions include:

- Who has the appropriate knowledge?
- Whose commitment is required?
- Have the capability, skills, and expertise of each actor been taken into account before allocating responsibilities for activities and tasks?
- Does each participant understand what will be required of them?

Once actors have been nominated and have committed to undertaking specific activities, they can be entered into column 4 of the worksheets adjacent to the relevant action.

4.9 Establishing Realistic Activity Timeframes

Working group participants should then establish timeframes for the implementation of the planned activities. It is important that the responsible actors are involved in establishing timeframes for implementation and that they endorse the final decision. This should help to ensure that timeframes are feasible, and should allow activities to be integrated with ongoing activities where possible.

Estimating how much time each activity/task will likely require to be completed is key to developing an effective NAP. While the duration of each activity/task, at this stage, can only be an estimate (be prepared to adjust the NAP during its implementation), the durations should be carefully estimated to ensure that the NAP is

as accurate as possible.[4] Reviewing earlier projects may provide insight into realistic timeframes, and experience shows that this is the most efficient way of learning to plan realistically. In addition, where activities or tasks are of a technical nature, it may be necessary to consult with those who have the related technical knowledge or expertise in order to make realistic estimations. Experience has shown that however careful the planning, it is wise to build in extra time to allow for unforeseen events.

In discussing timeframes, it can also be useful to consider whether the responsible actor already has access to the resources and capacities required to implement the action, or whether some initial time will be needed to raise resources prior to initiating action. Once they have been agreed upon and endorsed by the responsible actor, timelines can be entered into column 5 of the worksheets.

4.10 Defining the Budget

A range of resources are typically required to implement a NAP. These may include, *inter alia*: human resources, facilities, equipment, and materials. Other costs may include travel, training, etc.

To determine the resource inputs required to complete each activity and related tasks, ask the following questions:

- How many people are required?
- What type of skills/expertise do they need to possess?
- Are particular facilities, equipment, services, or materials necessary?
- Are there any other special requirements not yet covered?

Reviewing earlier projects may also provide insight into realistic resource requirements.

It is important to be as accurate as possible when estimating resource requirements at this stage. Experienced donors will be able to recognise an unrealistic estimate. In addition, the more accurate the estimates are, the less likely that the project will run into problems during implementation (and require requests for additional funds). Finer details on each resource can be defined by considering the following:

- *Human resources*: knowledge and skills (including for activity management); person-days required; estimated cost
- *Facilities*: types; space and time required; estimated cost
- *Equipment*: types; time required; estimated cost
- *Services*: types (e.g. travel expenses, translation); quantity; estimated cost
- *Materials*: types; quantity; estimated cost
- *Any special requirements*: unique skills; resources; etc.

[4] An underestimation of time required for an activity or task can be caused by a range of miscalculations, such as: leaving out essential activities and tasks; not accurately accounting for interdependence of activities or tasks; not accounting for time required for ordering and delivery of equipment; and failure to accurately consider competing resources, e.g. scheduling the same person or equipment for simultaneous activities or tasks.

Totalling the costs for each activity and task can provide a general estimate of the cost of the action plan.

4.11 Prioritizing Activities

Following completion of the worksheets in the working groups, workshop participants can reconvene in plenary to review and endorse the planned activities, responsible actors, and associated timeframes. Participants that were working in parallel working groups may have some additional information or insight that could influence the planning process. Participants should then also consider how to prioritize planned activities, in terms of what to do first, particularly in a context of limited resources. It may be the case that some activities must be completed before other activities can be initiated, creating a sequential hierarchy. Discussion in plenary may reveal that certain activities are more important that others in meeting requirements under a particular obligation. Availability of resources and the identification of a willing and competent actor ready to initiate a certain activity may also be key. Where launching activities requires significant resources, participants may need to consider a strategy for accessing resources. The final decisions on prioritizing activities should be recorded by the drafting group and reflected in the executive summary as part of the NAP.

4.12 Wider Issues for Consideration

Discussions in plenary will also provide an opportunity to consider wider issues relating to each obligation, such as overlap or inconsistency between planned legislation and existing legislation, coherence with the implementation of other chemicals agreements, and resource requirements for larger scale activities. The final output of these discussions could be recorded by the drafting group and reflected in the executive summary as part of the NAP.

In considering integration with activities to implement other chemicals agreements, participants may find it useful to refer to Annex 6 of this guidance document.

4.13 Finalizing the National Action Plan

The goal of the National Workshop is to facilitate a national dialogue on the status of implementation of the key obligations under the Rotterdam Convention, as the basis for developing a draft NAP for implementation of the Convention. The completed tables on notifications, import responses, SHPFs, exports, and information management are intended to serve as a means of capturing the discussion over the week and to help define what needs to be done, the key players, and where possible a timeline and priorities for action.

In order to gather the results of the discussions in the working groups and plenary, a small drafting group can be formed at the end of the fourth day of the workshop. This drafting group would be tasked with preparing an executive summary of the main results of the workshop including recommendations for future action.

The executive summary and the accompanying tables will serve as an important reference document—key components of the NAP—in explaining to others the status of ratification and implementation of the Convention, what remains to be done as of the date of the workshop, and priorities for action. The executive summary should be

possible to prepare in approximately four pages maximum, which, in combination with the tables, will be a key output of the meeting. A possible outline or format for the executive summary is presented below.

As an outcome of the National Workshop, the NAP is not written in stone: the goal is to have an accurate reflection/record of the broad ranging discussion of the National Workshop and serve as a basis for next steps. The outcome should be seen as a working document.

The results of the drafting group deliberations and the tables would be discussed and agreed in plenary on the last day of the workshop.

Possible Format for Executive Summary

Introduction

- Provide a statement of the purpose of the National Workshop
- Provide a brief background, e.g. Country is a Party to the Convention, has two DNAs, etc.
- Record the stakeholders that were present in the National Workshop

Implementation of the Rotterdam Convention

- Highlight relevant related activities on chemicals in the country, e.g. development of new legislation for toxic chemicals and for pesticides, NIP development under the Stockholm Convention, SAICM, Code of Conduct
- Briefly outline the current status of implementation of the Convention in the country, e.g. number of notifications of final regulatory action submitted, import responses, SHPFs, exports, and information management
- Summarise existing gaps in capacity to meet obligations of the Convention and current challenges
- Outline actions needed to fill the gaps including opportunities to integrate with ongoing actions at the national level, e.g. Stockholm NIP or SAICM implementation, etc.

Priorities for Action (Summary of the Worksheets)

- List actions that can be undertaken within existing resources
- List actions where external assistance might be needed

Next Steps

- Present proposed action as follow-up to the meeting, such as further developing and implementing the NAP
- Adoption of the NAP

Annex 1: Roadmap of Key Steps under the Pilot Project on Developing National Action Plans for Implementation of the Rotterdam Convention

Stage 1: National Capacity Assessment and Gap Analysis

Timeframe: 6 weeks

Objective: Generate capacity assessment and gap analysis to feed into national workshop

Steps:

1. Identify a national consultant familiar with the Rotterdam Convention and with chemicals management at the national level
2. Provide consultant with copies of the National Profile and (draft) National Implementation Plan, as well as with the guidance note
3. Outline requirements for capacity assessment and gap analysis, including completion of the table on core capacities, 6 week completion period
4. After three weeks, national consultant/DNA to submit preliminary outline to UNITAR
5. Final report/completed table to be submitted to DNA, and subsequently to the Convention Secretariat and UNITAR prior to workshop

Output: Completed table detailing existing national capacities and identifying gaps to feed into workshop, presentation to convey results to workshop participants

Stage 2: National Workshop

Timeframe: 1 month preparation, 5 day workshop

Objective: Develop a national plan for implementation of the Rotterdam Convention, finalized and agreed upon by representatives from a range of ministries

Steps:

1. Book venue and facilities
2. Identify and contact all relevant government ministries/agencies, national stakeholders and relevant IGO representatives to invite participation
3. Develop agenda
4. Complete workshop presentations to be given by the DNA, focal points of the Basel and Stockholm Conventions and SAICM and the national consultant

5. Distribute guidance materials as well as the results of the capacity assessment and gap analysis to all workshop participants at least one week before the workshop
6. Hold workshop

Output: National Plan for Implementation of the Rotterdam Convention, finalized and endorsed by workshop participants

Annex 2: Rotterdam Convention Text Outlining Party Obligations

Reference for section 2.2:

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.

Reference for section 2.3:

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.

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.

Reference for section 2.4:

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.

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 ingredients 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.

Reference for section 2.5:

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….

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.

Reference for section 2.6:

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.

Reference for section 2.7:

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.

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 3: Worksheets for Developing a National Action Plan for Implementation of the Rotterdam Convention

Notifications of Final Regulatory Actions

Scope: All chemicals that are banned or severely restricted in your country
Channel of communication: Between Party and Convention Secretariat

Objective of discussion: Ensure that Participants understand the scope and purpose of a notification of final regulatory action for banned or severely restricted chemicals, the information required for such notifications and the importance of a clearly defined process for the preparation and submission of notifications at the national level. Participants will also have a greater awareness of how notifications of final regulatory actions in other countries might be used to improve chemicals management in their own country.

Leading questions:

Taking final regulatory actions on chemicals and notifying the Convention Secretariat

- Describe the process followed in taking final regulatory actions on chemicals in your country (who is involved and how would you characterize the result, e.g. are chemicals banned (negative list of chemical), permitted for use without restrictions (positive list), permitted but subject to use restrictions.
- Briefly describe the basis for final regulatory actions to ban or severely restrict a chemical, e.g. are they based on a hazard evaluation, a risk evaluation, regulatory decisions taken in other countries etc.?
- How is a final regulatory action taken and what are the reasons underlying the decision documented, e.g. why a chemical may be banned or severely restricted?
- Which processes are in place to notify the Convention Secretariat of any/all final regulatory actions to ban or severely restrict a chemical in line with Article 5?
- What chemicals are banned or severely restricted in the country? (thereby requiring the DNA to notify the final regulatory action to the Convention Secretariat of the Rotterdam Convention)

Implementation and enforcement

- What are the challenges to taking final regulatory actions to ban or severely restrict chemicals?
- Which challenges are faced by the DNA in notifying the Convention Secretariat of final regulatory actions to ban or severely restrict chemicals?

Current legal infrastructure/ administrative procedure e.g. • describe pesticide regulation • describe industrial chemical regulation • which Ministries have lead responsibilities	**What has been done? What is missing?** e.g. • no notification from the country	**What needs to be done?** e.g. • collect information required by Annex I where available (how, any input from anyone other than DNA?) • prepare notification form and submit to the Convention Secretariat • make use of notifications published in PIC Circular	**Who is responsible/ involved and how to proceed?** e.g. • pesticide: DNA responsible, complete notification form, reflect how your government regulates pesticides/industrial chemicals	**Timelines** • (by when)
Leading questions: ***Information exchange provisions*** o To what extent are the notifications of final regulatory actions of other countries (as summarized in the PIC Circular) considered in chemicals management activities in your country? o How is/might this information be used to strengthen national decision making on chemicals?				

Import Response

Scope: Import responses for Annex III chemicals

Channel of communication: Between Party and Convention Secretariat; within a Party

Objective of discussion: Ensure that participants understand the scope and purpose of an import decision in the context of the PIC procedure, and the importance of a clearly defined process for taking national import decisions and submitting them to the Convention Secretariat. Participants will also understand their obligations in relation to imports and exports of chemicals in Annex III.

Leading questions:

Taking an import decision and submitting to the Convention Secretariat

- What is the legal or administrative basis for taking an import decision for chemicals listed in Annex III (e.g. these chemicals may have been banned, subject to use restrictions, registered without use restrictions, never registered)?
- What information is considered in taking import decisions for chemicals listed in Annex III, and to what extent is the Decision Guidance Document considered in taking such decisions?
- Is there a procedure in place to ensure timely decision making and submission of an import response to the Convention Secretariat?
- What are the challenges in implementing a procedure for the preparation and submission of import responses under Article 10?

Implementation and enforcement

- Have import responses been communicated to the Convention Secretariat regarding the chemicals listed in Annex III of the Convention? Is there a mechanism to do so? Has it been used?
- Are there legislative or administrative measures in place to communicate all import decisions for chemicals in Annex III of the Convention as reported in the PIC Circular, to those concerned within your country (identify who communicates to whom, how, when and what)?
- Are those concerned aware of the implications of your national import decisions, e.g. need to cease local production in case of no consent? Is this being enforced? How?
- Are there legislative or administrative measures in place to ensure that any export of the chemicals listed in Annex III complies with import decisions of importing Party (identify how is the procedure and who are responsible)?
- What are the challenges associated with enforcing national import decisions and ensuring the import decisions of importing countries are respected?

Current legal infrastructure/ administrative procedure	**What has been done? What is missing?**	**What needs to be done?**	**Who is responsible/ involved and how to proceed?**	**Timelines**
e.g. • is legislation in place to enable import responses? • has a DNA (or separate DNAs for chemicals and pesticides) been appointed and equipped?	e.g. • import responses for xx pesticides but not yet for any industrial chemicals	e.g. • submit import response for the remaining pesticides and industrial chemicals; • establish a procedure to ensure timely submission in the future; • establish procedure to communicate your import decisions to those concerned within your country	e.g. • have responsibilities between the different ministries and the DNA(s) been clearly defined and agreed?	• (by when)
Leading questions: ***Information exchange provisions*** o To what extent are the import responses of other countries (as listed in the PIC Circular) considered in chemicals management decision making in your country?				

Proposals for SHPF

Scope: Any pesticide formulation that causes severe health or environmental problems under the conditions of use in your country.
Channel of communication: Within a Party; between Party and Convention Secretariat

Objective of discussion: Ensure that participants understand the scope and purpose of a proposal on a severely hazardous pesticide formulation, the information required to support such a proposal and the importance of a clearly defined process for the preparation and submission of a proposal at the national level. Participants will also have a greater awareness of how the information on pesticide poisoning incidents in other countries might be used to improve chemicals management in their own country.

Leading questions:

Collecting information on pesticide poisoning incidents and submitting proposals to the Convention Secretariat

- What systems are in place to collect information on pesticide poisoning incidents (human health or the environment)?
- Where information on pesticide poisoning incidents is collected, is it sufficiently detailed to support a proposal regarding a SHPF under Article 6?
- What process would need to be put in place in order for such information to be made available to the DNA and for the DNA to use this information to prepare and submit a proposal to the Convention Secretariat under Article 6?

Implementation and enforcement

- Are there any submissions of proposals regarding severely hazardous pesticide formulations?
- To what extent are the incident report forms developed by the Convention Secretariat used to collect information on pesticide poisonings?
- What are possible approaches to raise awareness about reporting incidents caused by severely hazardous pesticide formulations? What role might be played by NGOs in collecting information on pesticide poisoning incidents? Are there poison control centres in the country? Are these in the field or centralised? Are they encouraged to collect such information? And to forward it to the DNA?
- What are the challenges faced by the DNA in preparing a proposal on a SHPF and submitting it to the Convention Secretariat?

Current infrastructure for pesticides poisoning report e.g. • is there a regular communication between the health services and the DNA(s)?	**What has been done? What is missing?** e.g. • although no proposal submitted from the country, is there any system/programme in place that deals with pesticide poisoning problems?	**What could be done in the future?** e.g. • is this an issue for the country? • how to work with existing programme/ system; • what could be improved to enable the reporting in respect of cooperation, facilitation? • how to strengthen the cooperation between DNA and health work and field programme such as IPM facility	**Who is responsible/ involved and how to proceed?** e.g. • who may contribute to collecting information (Part B);	**Timelines** • (by when)
Leading questions: ***Information exchange provisions*** o To what extent are the proposals for SHPFs from other countries (as summarized in the PIC Circular) considered in chemicals management activities in your country? o How is/might this information used to strengthen national decision making on chemicals?				

Export Notification

Scope: Chemicals banned or restricted in the exporting party

Channel of communication: Between Parties

Objective of discussion: Ensure that participants understand the scope and purpose of an export notification, how it differs from the PIC procedure, and the need for a clearly defined process for managing export notifications at the national level. Participants will also have a greater awareness of how the information contained in an export notification might be used to improve chemicals management in their own country.

Leading questions:

Implementation and Enforcement

- What process is in place for acknowledging the receipt of export notifications?
- What would be necessary to ensure timely acknowledgement (identify who communicates to whom, how, when and what)?
- What are the challenges in developing and implementing a process for the timely acknowledgement of export notifications?
- Does receipt of an export notification trigger a national follow-up action?

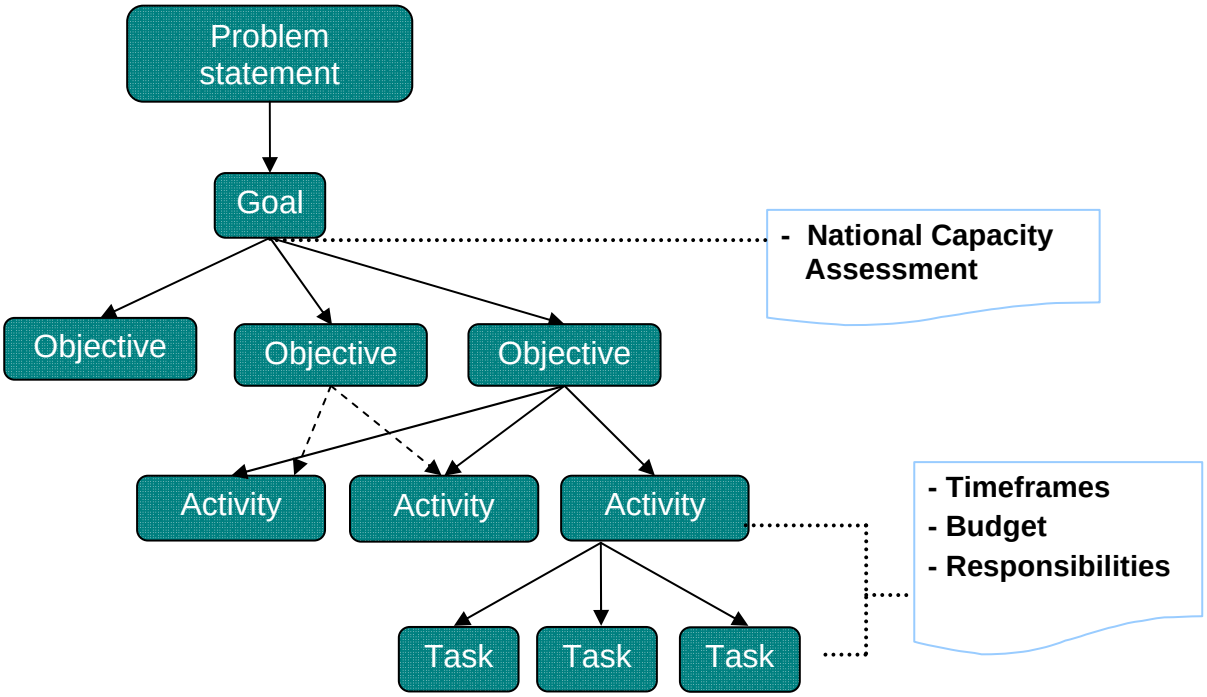
In addition for exporting countries: Preparing /submitting an export notification and preparing information (Art 12) to accompany shipment (Art 13)

- What chemicals are banned or severely restricted nationally?
- What system in place to control and monitor the export of chemicals that are banned or severely restricted at national level (identify, who communicates to whom, how, when and what)?
- What system in place to ensure that export notifications are sent prior to export of chemicals that are banned or severely restricted at national level (identify, who communicates to whom, how, when and what)?
- What system in place to ensure that the information requirements under Article 13 of the Convention are met when banned or severely restricted chemicals are exported (identify, who communicates to whom, how, when and what)?
  - the specific Harmonized System customs codes developed by the World Customs Organization (WCO) is provided?
  - the exporters apply these Codes and customs authority in your country check them?
  - labels in one of the official languages of the importing country are provided?
  - a safety data sheet is provided?
- What are the challenges in developing and implementing the necessary processes and who would need to be involved?

Current practice e.g. • is the DNA empowered to give import responses? • what mechanism has been accepted and agreed to enable the DNA to give import responses?	**What has been done? What is missing?** e.g. • what formal agreement has been agreed between the ministries involved? • how is the practice of import responses part of a regular consultation between ministries and industry, and civil society?	**What needs to be done?** e.g. • formalize the procedure to ensure timely acknowledgement • use information to improve regulatory measure and sound management and to reduce associated risks to workers, consumers and the environment,	**Who is responsible/ involved and how to proceed?** e.g. • what is DNAs task? • what is trade company's role? • who can make use of information provided by export?	**Timelines** • (by when)
Leading questions: ***Information exchange provisions*** o What use is made of the information contained in an export notification in tracking the entry of potentially hazardous chemicals into your country? o How might the information contained in an export notification be used to strengthen national decision making on chemicals? o What use, if any, is made of the information that accompanies shipments of exported chemicals under Article 13?				

Annex 4: Possible Structure of a National Action Plan

Please note: more in-depth guidance on action plan development can be found in "Guidance on Action Plan Development for Sound Chemicals Management" (see www.unitar.org/cwm).



Annex 5: Tools for Identifying Actors and Assigning Responsibilities

Who? **Stakeholder Name**	***What?*** **Stakeholder Interests, Position, Official Mandate, etc.**	***Why?*** **Reasons for Inclusion**	***How?*** **Possible Role**
DNA	Performance of administrative functions required by the convention	Critical role in implementation and communication with the Convention Secretariat	Central role in coordinating implementation of the action plan and ensuring communication between all actors, import decisions, notifications of export decisions, notification of hazardous pesticides
Customs Officials	Controlling imports/exports	Access to information on imports/exports Need to strengthen capacities to identify imported chemicals	Key role in monitoring and controlling imports and exports of Annex III listed chemicals
Grassroots NGOs	Working on pesticide issues	Access to information on pesticide poisonings for development of SHPFs	Contribute to national database on pesticide use, conditions of use (basis for import decisions)
Industry	Producers of chemicals	Information on production levels in country, as well as export destinations,	Providing information on exports of Annex III listed chemicals, and chemicals banned or restricted at the national level
Etc.			

Responsibility Assignment Matrix

Various tools can be used to facilitate this step including the Responsibility Assignment Matrix.

Activities and Tasks	***Person/Org: Ministry of Agriculture***	***Person/Org: Ministry of Environment***	***Person/Org: Project Coordination Unit***	***Person/Org: Advisory Technical Group***
Activity: **Repackage and store 100 tons of obsolete pesticides stockpiles in an environmentally safe manner**				
Task: Obtain UN approved packaging materials suitable for long-term storage of chemicals		Arrange transport	Select packaging materials to be used (p)	Advise on appropriate packaging materials
Task: Repackage (when possible) and label the chemicals stocks	Obtain protective clothing		Hire appropriate labourers Monitor execution of the task (p)	Plan the repackaging and labelling process
Task: Transport the repackaged stocks			Select a transport company Monitor execution of the task (p)	Advise on transport companies that can ensure safe transport of hazardous substances
Task: Store in a designated well-designed, secure and controlled facility(ies) for one year	Advise on possible facilities	Select suitable facility Hire and manage warehouse staff (p)	Develop and submit proposals for possible facilities Organise supervisory equipment	Advise on appropriate facility type and design floor plan

Note: (p) indicates which person/organisation has the primary responsibility for each task.

Annex 6: Integrating Activities with Ongoing National Activities

Introduction

This annex provides some further suggestions on how countries can seek to plan implementation of the Rotterdam Convention by taking advantage of existing structures and capacities at the national level. The guidance in this section may prove useful to workshop participants when planning activities in the working groups.

Identifying Possibilities for Integration

A key objective of the Pilot Project is to identify opportunities to implement the Convention through the incremental expansion of existing activities. In order to achieve this, countries need to consider what activities are taking place at the national level and what relevant structures exist beyond those already set up to implement the Rotterdam Convention. When considering the integration of activities to achieve related objectives, countries will benefit from including all relevant actors that are involved in managing ongoing activities, so that they might provide in-depth information on the structures and mechanisms employed at the working level. Opportunities for integrating activities at the working level may arise from utilising the skills of individuals already involved in chemicals management and drawing on and expanding existing work practices.

The capacities required to implement the Rotterdam Convention at the national level exhibit some overlap with some obligations under other international chemicals agreements, in particular the Stockholm and Basel Conventions. Countries that are Party to several agreements may seek to integrate activities to address gaps in capacities to implement the Rotterdam Convention with activities that are already ongoing at the national level. This can help to avoid duplication of activities and the resulting mechanisms and structures and to optimize use of available resources Such opportunities for integration represent potential synergies in capacity building for implementation of international chemicals agreements, whereby the overall resource burden and the time required to meet obligations can be reduced. Workshop discussions, where possible, should involve the national focal points of the Stockholm and Basel Conventions and provide time for a briefing on ongoing activities to implement these conventions. The briefing should include not only a description of what has been done to implement these conventions, but should also provide information on how, by whom, and with what resources.

Managing the Coordination of Activities

The following includes some practical steps and considerations that may be involved in coordinating activities and integrating actions:

- Identify responsible agency/agencies: government, NGO, industry, etc.
- Where relevant activities are already being undertaken by an agency or ministry that may be expanded at low or no cost to include additional tasks?
- At what stage of implementation is the activity?

- If the activity has recently been initiated, the Rotterdam Convention-related objective may be more easily integrated into the overall goal of the original project.
- In the case where the activity is up and running, it may be expanded to fulfill some of the objectives under Rotterdam.
- The manner and extent to which activities are integrated will have implications regarding whether additional resources will be required.

Relationship with Other International Chemicals Agreements

This section identifies obligations of Parties arising from other international chemicals agreements that have related or similar requirements to those under the Rotterdam Convention.

SAICM

Following the adoption of SAICM at the International Conference on Chemicals Management (ICCM) in February 2006, countries are entering the first phase of implementation, often entailing the development of national action plans for SAICM implementation. As a first step, countries will need to think about the kinds of governance structures that will be required at the national level to support SAICM implementation, as well as identifying national priorities from the wide range of work areas included under SAICM's Global Plan of Action. When planning for SAICM implementation, countries may find it useful to incorporate the National Action Plan for implementation of the Rotterdam Convention into proposed strategies and priorities.

Basel Convention

The Basel Convention sets out a global mechanism for the control of transboundary movement of hazardous and other wastes. It has similarities to the Rotterdam Convention in that it promotes information exchange and has provisions to control trade. The two conventions are complementary as they address different stages of the chemical life cycle and both require customs officials to regulate imports of chemicals to the country.

Stockholm Convention

The Stockholm Convention provides a mechanism for eliminating the production and use of certain chemicals known as persistent organic pollutants (POPs). It has similarities to the Rotterdam Convention in that it also considers trade. Other important details include:

- On entry into force of the Stockholm Convention, eight of the ten intentionally produced POPs listed under the Stockholm Convention are included in Annex III of the Rotterdam Convention: aldrin, chlordane, dieldrin, heptachlor, hexachlorobenzene, toxaphene, DDT, and polychlorinated biphenyls (PCBs)
- Stockholm Convention provisions related to trade address export of substances listed in Annex A that are not subject to a specific exemption under the Convention (Article 3(2)c). For substances subject to specific exemptions under Annex A, or for Annex B substances, trade is only allowed under certain specific conditions

- The convention sets out criteria for identifying POPs that are to be incorporated into national assessment schemes; this should lead to regulatory action, requiring notification under the Rotterdam Convention
- The NIPs developed or under development for the Stockholm Convention represent an opportunity to review national chemicals legislation and to ensure that Rotterdam requirements are met. Guidance on the development of a NIP was adopted act COP-1 of the Stockholm Convention. This guidance has been revised to ensure that in developing a NIP, countries consider those elements relevant to the implementation of the Rotterdam Convention

Globally Harmonized System of Classification and Labelling of Chemicals (GHS)

The Rotterdam Convention involves the monitoring and control of the trade in hazardous chemicals, including the facilitation of information exchange. It is compatible with the requirements of GHS, which provides the relevant international labelling framework to be applied to exports.

- Article 13 of the Rotterdam Convention requires that Annex III chemicals are subject to labeling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or environment, taking into account relevant international standards
- Where Annex III chemicals are to be used for occupational purposes in the importing country, Parties are required to send to importers a safety data sheet that follows an internationally recognized format and that sets out the most up-to-date information available. The information on the label should, as far as practicable, be given in one or more of the official languages of the importing Party
- The Rotterdam Convention also provides the opportunity for Parties to apply the same labelling requirements to all exported chemicals that are subject to national labelling requirements

International Code of Conduct in the Distribution and Trade of Pesticides

The International Code of Conduct in the Distribution and Trade of Pesticides is a voluntary instrument that covers pesticides in agriculture, public health, and other uses. It sets the framework of rules and guidance that are to be applied during the whole lifecycle of pesticides, and gives detailed guidelines on each of the steps. Countries are encouraged to set up a regulatory framework and, as reasonably possible, the enforcement and control mechanisms necessary to oversee the various stages. The Code underlines specific responsibilities from governments, industry (including trade), and other actors.

- Article 8 gives the obligations for government and industry with regard to distribution and trade, underlining fair practices and preventing unnecessary and unwanted stocks of products
- Article 9 addresses information exchange and encourages the same practices of information exchange as those of the Rotterdam Convention.
- Article 10 covers labelling, packaging, storage, and disposal. Labels should reflect all requirements

Although the Code makes no specific reference to the chemicals-related conventions, its aims are fully in line with the Rotterdam Convention regarding informed decisions and information exchange.

Key Areas for Coordination

This section highlights key areas where cross-over exists in the relevant capacities required to meet obligations under international chemicals agreements, and provides some suggestions for coordinating capacity building activities.

Legislative Development

Countries that are Party to one or more of the international chemicals conventions may seek to develop one integrated piece of legislation in order to meet their obligations. Alternatively, where experience has been gained during the earlier ratification of the Basel Convention, this can then by applied to ratification of Stockholm and Rotterdam.

Import/Export Controls

The Basel, Stockholm, and Rotterdam Conventions all provide mechanisms to restrict imports and impose obligations on exports. The common requirement for capacities relating to customs controls can be met through a coordinated training programme, where customs authorities receive training that addresses the specific requirements of all three conventions. Such training could also effectively include labelling requirements under the GHS, as well as the use of safety data sheets. The Rotterdam Convention also obliges countries to use Harmonized System custom codes and therefore should be compatible with the training activities of the World Customs Organization.

Information Exchange

The Basel, Stockholm, and Rotterdam Conventions all have mechanisms for information exchange, both between and within Parties. In particular, both the Rotterdam and Stockholm Convention include information on trade, as well as domestic production and use. At present, both Conventions have listed eight of the same chemicals, creating a clear benefit from the perspective of information sharing. The effective collation and management of information may be facilitated by the sharing of information between the DNAs established under the Rotterdam Convention and the national focal points for the Stockholm Convention.

Information collected through systems established under the FAO Code of Conduct could provide a means for monitoring the prevalence of pesticide poisonings and for proposals in support of severely hazardous pesticide formulations under the Rotterdam Convention.

Waste Management

In addressing different stages of the chemical life cycle, the impact of effective implementation of the Basel, Stockholm, and Rotterdam Conventions should be to prevent the accumulation of stockpiles and wastes, since countries will not import those chemicals that they do not have the capacity to manage in an environmentally sound manner. Effective communication between the actors involved in the

implementation of these distinct and yet related conventions will allow for an assessment of the effectiveness of the system, and the identification and targeting of potential obstacles and weaknesses.

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- To conduct training programmes in multilateral diplomacy and international cooperation for diplomats accredited in Geneva and the national officials, involved in work related to United Nations activities.

- To carry out a wide range of training programmes in the field of social and economic development which include:

    a. Training Programme in Multilateral Diplomacy, Negotiations and Conflict Resolution;

    b. Environmental and Natural Resource Management Training Programmes;

    c. Training Programme on Debt and Financial Management with special emphasis on the Legal Aspects;

    d. Training Programme on Disaster Control;

    e. Training Programme on Peace-Keeping, Peace-Making, and Peace-Building.

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