



## The Chemicals Treaties (BRS Treaties)

**Basel Convention • Rotterdam Convention • Stockholm Convention**

### Synergies amongst the BRS Conventions

- Simultaneous extraordinary meetings of the Basel, Rotterdam and Stockholm (BRS) COPs (ExCOPs) have been held twice
- The first ExCOPs (Bali 2010)
- Considered recommendations of the Ad Hoc Joint Working Group on Enhancing Cooperation and Coordination among the BRS Conventions
- Parties adopt an omnibus synergies decision on joint services, joint activities, synchronization of the budget cycles, joint audits, joint managerial functions, and review arrangements
- Decided to review in 2013 how the synergies arrangements had contributed to achieving a set of objectives, such as strengthening the implementation of the three Conventions and maximizing the effective and efficient use of resources at all levels.
- The second ExCOPs (Geneva 2013, in conjunction with the back-to-back meetings of the COPs)
- Parties adopted an omnibus decision on enhancing cooperation and coordination among the BRS Conventions, including
- A review of the synergies process and the organization of the Secretariats, and to continue to present joint activities as an integral part of the proposed programmes of work and budgets of the three Conventions.
- Alignment of the working arrangements of the Rotterdam Convention CRC with those of the Stockholm Convention POPRC to support effective participation of experts and observers, and encourages the POPRC to involve experts from the Basel Convention when discussing waste issues.
- Secretariat to enhance cooperation with the Strategic Approach to International Chemicals Management (SAICM) and consider coordinating with the Minamata Convention on Mercury
- Welcome an integrated approach that includes mainstreaming, industry involvement and dedicated external finance.

### Parties to the Agreements

- Basel (Hazardous Waste)
- There are 188 Parties to the Basel Convention (including the EU)
- Trinidad and Tobago acceded to the Convention in 1994
- Of note, while the United States signed the Basel Convention, it has yet to ratify it
- Rotterdam (Trade in Hazardous Chemicals)
- There are 164 Parties to the Rotterdam Convention (including the EU)
- Trinidad and Tobago acceded to the Convention in 2009 (with effect from 2010)
- Again, the US is a signatory but has yet to ratify it
- Stockholm (Persistent Organic Pollutants)
- There are 184 Parties to the Stockholm Convention (including the EU)
- Trinidad and Tobago acceded to the Convention in 2002 (with effect from 2004)
- While both the US and Italy signed the Convention, they have not ratified it





## Rotterdam Convention

### ROTTERDAM CONVENTION

#### Background

The dramatic growth in chemicals production and trade has raised public and official concern about the potential risks posed by hazardous chemicals and pesticides. Countries lacking adequate infrastructure to monitor the import and use of these chemicals are particularly vulnerable.

In response to these concerns, the United Nations Environment Programme (UNEP) and the Food and Agriculture Organization of the United Nations (FAO) developed and promoted voluntary information-exchange programmes in the mid-1980s. FAO launched its International Code of Conduct on the Distribution and Use of Pesticides in 1985 and UNEP set up the London Guidelines for the Exchange of Information on Chemicals in International Trade in 1987.

The two organizations then introduced the 1989 Prior Informed Consent (PIC) procedure. Jointly implemented by FAO and UNEP, it helped to ensure that governments had the information needed about hazardous chemicals for assessing risks and taking informed decisions on chemical imports.

Chapter 19 of Agenda 21, adopted at the 1992 Rio Summit, called for the adoption of a legally binding instrument on the PIC procedure by the year 2000. Consequently, the FAO UNEP launched negotiations which led to the finalization of the text of the Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals in International Trade. The Rotterdam Convention was adopted at a Conference of Plenipotentiaries on 10 September 1998 and entered into force on 24 February 2004.

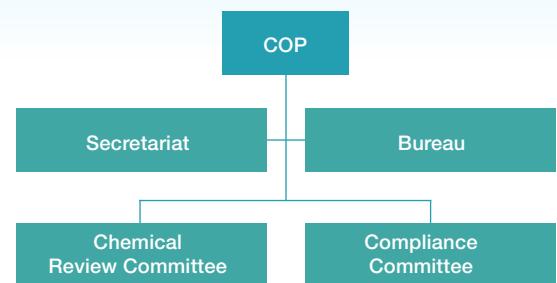
The Convention covers the import and export of pesticides and industrial chemicals, listed in Annex III, that have been banned or severely restricted for health or environmental reasons by Parties and which have been notified by Parties for inclusion in an obligatory prior-informed consent (PIC) procedure.

Since the adoption of the Convention, the Conference of the Parties (COP) has adopted a series of decisions to amend Annex III to the Convention to list additional chemicals and make them subject to the Prior Informed Consent Procedure. The Convention process also facilitates information exchange amongst Parties on a wide range of potentially hazardous chemicals, and Parties to the Convention are required to notify the secretariat when domestic regulatory measures are taken to restrict potentially hazardous chemicals.

While the FAO and UNEP jointly perform secretariat functions for the Convention, they collaborate with the secretariats of the Basel and Stockholm Conventions to provide joint services where relevant.

#### Principles in the Rio Declaration covered by the Rotterdam Convention include:

- Recalling the pertinent provisions of the Rio Declaration on Environment and Development and chapter 19 of Agenda 21 on “Environmentally sound management of toxic chemicals, including prevention of illegal international traffic in toxic and dangerous products” (Rio Declaration and Agenda 21)
- Taking into account the circumstances and particular requirements of developing countries and countries with economies in transition, in particular the need to strengthen national capabilities and capacities for the management of chemicals, including transfer of technology, providing financial and technical assistance and promoting cooperation among the Parties (Principle 6)
- Desiring to ensure that hazardous chemicals that are exported from their territory are packaged and labelled in a manner that is adequately protective of human health and the environment, consistent with the principles of the Amended London Guidelines and the International Code of Conduct (Principle 1)
- Recognizing that trade and environmental policies should be mutually supportive with a view to achieving sustainable development (Principle 8)
- Determined to protect human health, including the health of consumers and workers, and the environment against potentially harmful impacts from certain hazardous chemicals and pesticides in international trade (Principle 1)





## Key provisions of the Rotterdam Convention

### Objective (Article 1)

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

### Scope of the Convention (Article 3)

- Banned or severely restricted chemicals; and
- Severely hazardous pesticide formulations.

### Designated National Authorities (DNA, Article 4)

- Each Party to designate one or more national authorities authorized to act in the performance of the administrative functions required by this Convention.
- Parties to ensure that DNA(s) have sufficient resources to perform their tasks effectively.

### Procedures for banned or severely restricted chemicals (Article 5)

- Each Party, at the date of entry into force of the Convention (for it) to notify the Secretariat of its final regulatory actions in effect at that time.

### Procedures for severely hazardous pesticide formulations (Article 6)

- 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 (Chemicals Subject to the Prior Informed Consent (PIC) Procedure).
- The Chemical Review Committee shall review the information provided in the proposal and the additional information collected and recommend whether the severely hazardous pesticide should be made subject to the Prior Informed Consent procedure.

### Listing of Chemicals (Articles 7, 8 and 9)

- For each chemical that the Chemical Review Committee has decided to recommend for listing in Annex III, it shall prepare a draft decision guidance document (Article 7).
- For chemicals not listed in Annex III, that has been included in a voluntary PIC, the COP will decide whether to list the chemical in Annex III (Article 8).
- A Party may submit information that an Annex III listing is no longer justified, which spurs a Chemical Review Committee review with recommendation for decision of the COP. Based on the information, the COP will decide whether to remove the chemical from Annex III (Article 9).

### Procedural provisions

- **Technical assistance (Article 16):** puts the onus on Parties to work together to manage implementation
- **Non-compliance (Article 17):** requires the development of procedures for determining non-compliance
- **Conference of the Parties (COP, Article 18):** requires establishing the Chemical Review Committee at first meeting
- **Secretariat (Article 19):** secretarial duties performed jointly by UNEP and FAO



## Mechanisms

To achieve its objectives the Convention includes a Prior Informed Consent (PIC) Procedure and Information Exchange.

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

The Convention facilitates information exchange among Parties for a very broad range of potentially hazardous chemicals. The Convention requires each Party to notify the secretariat when taking a domestic regulatory action to ban or severely restrict a chemical.

## Players

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

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

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

Secretariat provides functions, including making administrative arrangements for meetings of the COP and its subsidiary bodies, verifying information accompanying notifications and proposals, disseminating import responses provided by the Parties, facilitating assistance to developing country Parties, facilitating information exchange between Parties and fostering collaboration and cooperation with other international organizations.

## Ratifying the Rotterdam Convention: reservations and declarations

Reservations upon ratification or accession to the Basel Convention are not provided for – however, under international law, a country ratifying or acceding to a treaty may make a declaration where they express their understanding of some matter or the interpretation of a particular provision.

Unlike reservations, declarations merely clarify the country's position and do not modify the legal effect of a treaty. Usually, declarations are made at the time of ratification or signature.

## Rules of procedure

The [rules of procedure](#) of the Rotterdam Convention apply to any meeting of the Conference of the Parties to the Convention convened in accordance with article 18 of the Convention.

### Topics covered in the rules of procedure include:

- Places, dates and notifications of meetings (Rules 3–5)
- Observers (Rules 6–8)
- Agenda (Rules 9–16)
- Officers (Rules 22–25)
- Conduct of business (Rules 34–43)
- Voting (Rules 44–51)
- The Parties shall make every effort to reach agreement on all matters of substance by consensus
- Voting rules on substantive issues not agreed, i.e., no voting on substance provided for under this Convention
- Decisions on matters of procedure to be taken by a majority vote of the Parties present and voting



## Milestones in the implementation of the Rotterdam Convention

**COP 1 (2004):** At its first meeting, the COP established the Chemical Review Committee (CRC) and, among other things, set regions for prior informed consent (PIC) and began considering the arrangements for a financial mechanism.

**COP 3 (2006):** Parties move closer to working with the GEF and the MLF as financial mechanisms for the Convention.

**COP 4 (2008):** Parties agreed to include tributyltin compounds to Annex III but there was no decision on a financial mechanism.

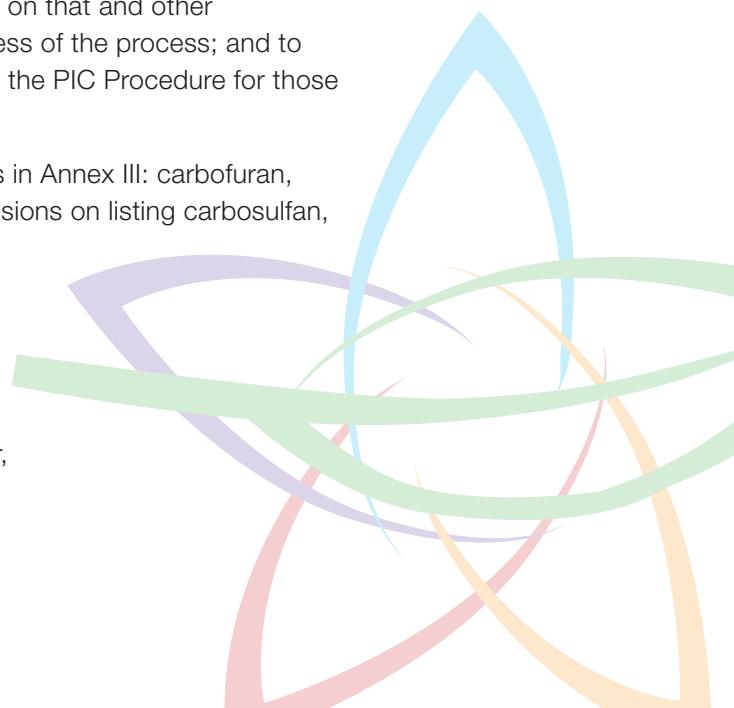
**COP 5 (2011):** Parties agreed to include alachlor, aldicarb and endosulfan to Annex III, to look for synergies amongst the BRS Conventions on sustainable financing, as well as on joint activities, managerial functions and services amongst the BRS secretariats.

**COP 6 (2013):** Held in conjunction with the COPs of the Basel Convention and their Disposal and the Stockholm Convention and a simultaneous extraordinary meeting of the three COPs. Parties decided to amend Annex III to list: azinphos-methyl; commercial pentaBDE, including industrial tetraBDE and industrial pentaBDE; commercial octaBDE, including hexaBDE and heptaBDE; and PFOS, perfluorooctanesulfonates, perfluorooctanesulfonamides and perfluorooctanesulfonyls. However, COP 6 decided that while paraquat met the listing criteria for an SHPF, it would postpone a decision until COP 7 as those opposed to listing had concerns about the science, alternatives, and implications for trade. A decision on listing chrysotile asbestos was also deferred to COP 7, due to similar concerns.

**COP 7 (2015):** Parties were unable to agree on the listing of paraquat, fenthion, trichlorfon, and chrysotile asbestos in Annex III, and deferred consideration to COP 8. COP 7 also established an intersessional working group to: review cases where the COP was unable to reach consensus on the listing of a chemical by identifying the reasons for and against listing and, based on that and other information, to develop options for improving the effectiveness of the process; and to develop proposals for enabling information flows to support the PIC Procedure for those chemicals.

**COP 8 (2017):** In 2017, COP 8 agreed to list four chemicals in Annex III: carbofuran, SCCPs, TBT compounds, and trichlorfon, but deferred decisions on listing carbosulfan, chrysotile asbestos, paraquat, and fenthion until COP 9.

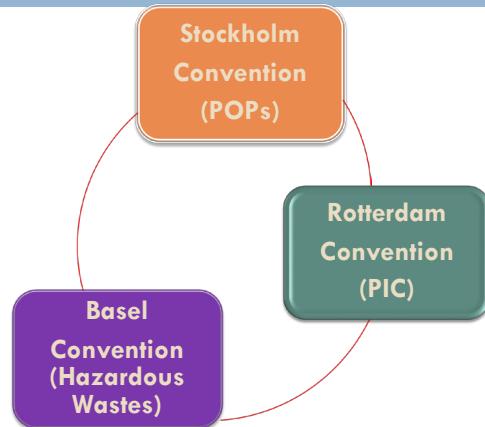
**COP 9 (2019):** Parties adopted a compliance mechanism through a vote that established a new annex to the Convention, concluding 15 years of negotiations on the issue. The COP agreed to include HBCD and phorate in Annex III, but could not agree to list carbosulfan, acetochlor, paraquat, fenthion, and chrysotile asbestos.





## THE CONVENTIONS

- **Basel Convention** on the Control of Transboundary Movements of hazardous wastes and their Disposal
  - 1989 / 191 Parties
- **Rotterdam Convention** on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade
  - Trade
  - 1998 / 165 Parties
- **Stockholm Convention** on Persistent Organic Pollutants
  - 2001 / 186 Parties



BASEL CONVENTION



ROTTERDAM CONVENTION



STOCKHOLM CONVENTION

**Title:** Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal  
**Entry into force:** 5 May 1992  
**Number of parties:** 191  
**Objective:** To protect human health and the environment against the adverse effects of hazardous wastes  
**Scope:** Hazardous wastes and other wastes  
**Key provisions:**

- (i) Minimization of the generation of hazardous and other wastes
- (ii) Control system for transboundary movements of hazardous and other wastes based on notification and Prior Informed Consent
- (iii) Environmentally sound management of hazardous and other wastes in relation to transboundary movements

**Title:** Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade  
**Entry into force:** 24 February 2004  
**Number of parties:** 165  
**Objective:** To promote shared responsibility and cooperative efforts in international trade of certain chemicals  
**Scope:** 54 pesticides, SHPFs and industrial chemicals that have been banned or severely restricted for inclusion in the Prior Informed Consent procedure and met the criteria set out in the Convention  
**Key provisions:**

- (i) Prior Informed Consent procedure based on import responses and export notifications for other banned / severely restricted chemicals
- (ii) Exchange of information on a broad range of potentially hazardous chemicals

**Title:** Convention on Persistent Organic Pollutants (POPs)  
**Entry into force:** 17 May 2004  
**Number of parties:** 186  
**Objective:** To protect human health and the environment from persistent organic pollutants  
**Scope:** 34 POPs  
**Key provisions:**

- (i) Elimination (POPs in annex A)
- (ii) Restriction (POPs in annex B)
- (iii) Specific exemptions and acceptable purposes for certain POPs
- (iv) Reduction or elimination (unintentionally produced POPs in annex C)

Synergies

Enhancing cooperation and coordination among the three Conventions

Strengthening the implementation of the three conventions at the national, regional and global levels

Providing coherent policy guidance

Enhancing efficiency in the provision of support to Parties, reducing their administrative burden and maximizing the effective and efficient use of resources at all levels

Combating illegal traffic and trade

## Why are these three Conventions working together ?

