

Dangerous chemicals: export and import, implementation of the Rotterdam Convention on the Prior Informed Consent Procedure

2006/0246(COD) - 15/01/2008 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution based on the report drawn up by Johannes **BLOKLAND** (IND/DEM, NL) and made some amendments to the proposal for a regulation concerning the export and import of dangerous chemicals. The resolution was adopted by 679 votes for, 9 against, and 8 abstentions.

The main amendments were as follows :

-the definitions of “export” and “import” have been modified ;

-each export notification shall be registered and assigned an export reference identification number in a database at the Commission ;

-when a chemical qualifies for PIC notification, but the information is insufficient to meet the requirements of Annex II, identified exporters or importers shall, upon request by the Commission, provide all relevant information available to them, including that from other national or international chemical control programmes, **within 60 days**;

-in the case of chemicals listed in part 2 of Annex I that are for export to OECD countries, the Designated National Authority of the exporter may, in consultation with the Commission and on a case by case basis , decide that no explicit consent is required if the chemical, at the time of importation into the OECD country concerned, is licensed, registered or authorised in that OECD country;

-in the case of chemicals listed in Parts 2 or 3 of Annex I, the Designated National Authority of the exporter may, in consultation with the Commission and on a case by case basis , decide that the export may proceed if, after all reasonable efforts, no response to a request for explicit consent has been received within 60 days and there is evidence from official sources in the importing Party or importing other country that the chemical has been licensed, registered or authorised;

-when deciding on the export of chemicals listed in Part 3 of Annex I, the Designated National Authority in consultation with the Commission shall consider the possible impact on human health and the environment of the use of the chemical in the importing Party or other importing country.

-for each **explicit consent** obtained a new explicit consent shall be required by the end of the third calendar year after the consent was given, unless the terms of that consent require otherwise. Exports may however continue beyond the expiry of the relevant period, pending a response to a new request for explicit consent, for an additional period of 12 months. Unless a response to a request has been received in the meantime, each **waiver** granted shall be for a maximum period of 12 months, upon expiry of which explicit consent shall be required.

-Member States shall make all information regarding penalties available upon request ;

-information on handling the packaging after the chemicals have been removed, is added to the list of matters not regarded as confidential ;

-certain measures must be adopted in accordance with the **regulatory procedure with scrutiny**. These include measures to include a chemical in Parts 1 or 2 of Annex I following regulatory action at Community level, measures to include a chemical that is subject to Regulation (EC) No 850/2004 on persistent organic pollutants in Part 1 of Annex V, measures to amend Annex I, including modifications to existing entries, measures to include a chemical already subject to an export ban at Community level in Part 2 of Annex V, measures to amend Annexes II, III, IV and VI, and measures to modify existing entries in Annex V.

Lastly, the Annexes have been amended, and a Commission Declaration concerning the status of mercury and arsenic under the PIC Regulation is attached to the text.