Dangerous chemicals: export and import, Rotterdam Convention provisions

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PURPOSE: New provisions on the export and import of dangerous chemicals. CONTENT: In 1998 the Rotterdam Convention for the application of the Prior Informed Consent Procedure (PIC) was signed. This Convention makes provisions for the international trade in certain hazardous chemicals and pesticides. For it to enter into force 50 parties to the Convention need to have ratified its provisions. It was signed by the European Community in September 1998. Until now the laws governing the export and import of dangerous chemicals in the EU have been covered by Council Regulation 2455/92/EEC, as amended by Commission Regulation 2247/98/EC. The purpose this Council Regulation is to replace Regulation 2455/92/EEC with an updated, in some cases more stringent, Regulation, in order to apply the provisions of the Rotterdam PIC Convention. The Convention itself covers chemical substances (including mixtures or preparations), pesticides (including severely hazardous pesticide formulation) and industrial chemicals that have been banned or severely restricted by governments for health or environmental reasons. Radioactive materials, wastes, pharmaceutical, food and food additives are excluded from its scope. So to are chemicals in small quantities for research or for personal use by an individual. The basic principle of the Convention is that the export of a banned or severely restricted chemical which is included in Annex III to the Convention can only take place with the PIC of the importing Party. Under this system, a procedure is established for formally obtaining and making known the decisions of importing countries in order to ascertain whether they wish to receive future shipments of a certain chemical and for ensuring compliance with these decisions by exporting countries. Currently the PIC procedure applies to 31 chemicals. There is however, a mechanism for including further substances, provided that certain criteria are met. Other elements of the Convention include: - Exchange of information among Parties about potentially hazardous chemicals that may be exported and imported. And - Provisions relating to technical assistance between parties. In terms of the proposed new rules the Commission notes that since the Regulation is already applying most of the Convention's principles on a mandatory bases, no significant changes to the existing arrangements are necessary. Nevertheless, certain amendments have been introduced to take account of the Convention's stricter provisions. In particular this would include: - the timing and frequency of export notifications; - the level of information required; - the need to include appropriate provisions relating to technical assistance for more advanced programmes as well as for regulating and managing chemicals; - the implementation on a mandatory basis of the interim arrangements under the Convention pending its entry into force; - the possibility of continuing to apply some the provision to non-Parties of the Convention following its entry into force; In certain cases, the Commission has opted to include obligations more stringent than those set out in the Convention (as it is entitled to do so under the terms of the Convention). This wouldinclude, for example, the application of the Regulation's scope. Notably, EU export notifications forwarded bilaterally to third countries. Additionally, there should be export notifications for articles containing certain chemicals in untreated form that could present a risk of release in use or disposal. Other more stringent elements include; - requiring the exporter to obtain the explicit consent of the importing country in cases where they have not responded to the PIC procedure; - banning the export altogether of certain chemicals which are banned for use within the Community and which are not necessarily all subject to the export notification procedure under the Regulation. - to extend the rules on export notification to all importing counties irrespective of whether or not these countries are Parties to the Convention; and lastly - to extend the provisions relating to information exchange and technical assistance to all countries with a view to enabling them to implement the Convention. The Commission believes that the proposed Regulation will assist in controlling the international trade of dangerous chemicals, in the hope that it will add to the protection of human health and the environment.