

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

2006/0246(COD) - 08/10/2007

The Committee on the Environment, Public Health and Food Safety adopted - at 1st reading under the codecision procedure - the report by Johannes **BLOKLAND** (IND/DEM, NL) on the proposal for a regulation of the European Parliament and of the Council concerning the export and import of dangerous chemicals.

The report makes the following amendments:

- it specifies that 'Articles' containing substances listed in parts 2 and 3 of Annex I require an export notification, just as it is required for substances and preparations;

- in order to ensure that notifications are not unduly delayed, a **deadline for the provision of information** to complete the requirements of Annex II is needed. The report states that 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**;

- the report specifies that Part 2 of Annex I lists substances that are not yet included in the PIC procedure, but that are restricted or even banned in the EU should be treated in a more flexible way. Since they are not included in the Convention of Rotterdam, the request for explicit consent for these substances remains very often unanswered. This is very time consuming for the designated national authorities and it seriously hampers the exporters' competitiveness. Therefore, this derogation proposes to treat these substances in a more flexible way, but remains however in line with the Convention of Rotterdam;

- the validity of each explicit consent obtained or waiver granted shall be subject to periodic review by the Commission in consultation with the Member States concerned as follows:

(a) 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; (b) unless a response to a request has been received in the meantime, each **waiver granted** shall be for a maximum period of **twelve months**, upon expiry of which explicit consent shall be required;

- the Commission shall make all information regarding penalties available upon request;

- on account of the direct hazard to health and the environment, information on how packaging should be handled after the chemicals have been removed is extremely important for users;

- the Commission shall be assisted by the same committee as established by REACH Regulation in order to anticipate the future.

- Annex I of this Regulation should be amended to take into account regulatory action in respect of certain chemicals taken pursuant to Directive 76/769/EEC relating to restrictions on the marketing and use of certain dangerous substances and preparations, Directive 91/414/EEC concerning the placing of plant protection products on the market, Directive 98/8/EC concerning the placing of biocidal products on the

market and of other Community legislation. These chemicals are to be added in the existing Regulation 304/2003 through a comitology-decision (due to be taken this year).

- metal arsenic itself and metal mercury itself have been mentioned in this Annex as well as metal mercury.