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EUROPEAN COMMISSION

Brussels, 11.1.2011
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2010/0394 (NLE)

Proposal for a

COUNCIL DECISION

establishing the position to be adopted on behalf of the European Union with regard to proposals for amendments of Annex III to the Rotterdam Convention

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

Under the auspices of the Food and Agriculture Organisation (FAO) and the United Nations Environment Programme (UNEP), negotiations for a Convention for the application of the prior informed consent (PIC) procedure for certain hazardous chemicals and pesticides in international trade were concluded in March 1998.

The Convention was opened for signature at a Ministerial Diplomatic Conference held in September 1998 in Rotterdam. It was signed by the Community on 11 September 1998. The Rotterdam Convention represents a major step forward in the international regulation of certain hazardous chemicals, including pesticides. Its objective is to promote shared responsibility and co-operative efforts among the Parties in the international trade of such chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use.

The Union has implemented the Convention through Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals¹. By its Decision 2006/730/EC of 25 September 2006², the Council decided to approve the Convention on behalf of the European Community.

The Convention entered into force on 24 February 2004. The fifth meeting of the Conference of the Parties (COP5) will take place in Geneva from 20 to 24 June 2011. In addition to the Union, 26 of its Member States are Parties to the Convention.

On the basis of recommendations from the Chemical Review Committee (CRC), a subsidiary body under the authority of the Conference of the Parties (COP), COP is expected to take decisions on the inclusion of further chemicals in the PIC procedure by adding them to Annex III of the Convention.

The four chemicals recommended by the CRC for inclusion in Annex III to the Rotterdam Convention, namely chrysotile asbestos, endosulfan, alachlor and aldicarb, are already subject to similar restrictions under Union law. The Commission, therefore, is proposing to the Council a decision to support, on behalf of the Union, the amendments of Annex III to the Convention at COP5.

¹ OJ L 204, 31.7.2008, p. 1

² OJ L299, 28.10.2006, p. 23

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 192(1) and Article 207, in conjunction with Article 218(9), thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The European Union has ratified the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade (the 'Rotterdam Convention')³.
- (2) Regulation (EC) No 689/2008 of the European Parliament and of the Council of 17 June 2008 concerning the export and import of dangerous chemicals implements the Rotterdam Convention in the Union⁴.
- (3) In order to ensure that importing countries benefit from the protection offered by the Rotterdam Convention, it is necessary and appropriate to support the recommendation from the Chemical Review Committee as regards the inclusion in Annex III to the Rotterdam Convention of chrysotile asbestos, endosulfan, alachlor and aldicarb. These four substances are already banned or severely restricted in the Union and are therefore subject to export requirements which go beyond what is required under the Rotterdam Convention.
- (4) The fifth meeting of the Conference of the Parties (COP5) of the Rotterdam Convention is expected to take decisions on the proposed amendments to Annex III. The Union should support these amendments.

³ OJ L299, 28.10.2006, p. 23

⁴ OJ L 204, 31.7.2008, p. 1

HAS ADOPTED THIS DECISION:

Sole Article

At the fifth meeting of the Conference of the Parties of the Rotterdam Convention, the Commission shall, on behalf of the Union, support the adoption of the amendments to add chrysotile asbestos, endosulfan, alachlor and aldicarb to Annex III of the Rotterdam Convention.

Done at Brussels,

*For the Council
The President*