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**Workshop meeting on Strengthening
Chemicals Lifecycle Management
Capacities under the Rotterdam
Convention
10 February 2022**

**Report of the Workshop on Strengthening Chemicals Lifecycle Management Capacities
under the Rotterdam Convention**

Introduction

1. The Russian Register of Potentially Hazardous Chemical and Biological Substances of the Federal Service for Surveillance on Consumer Rights and Human Wellbeing serves as the Designated National Authority (DNA) of the Russian Federation to the Rotterdam Convention. In 2019, the DNA together with the Secretariat of the Rotterdam Convention agreed on organising a meeting involving Member States of the Eurasian Economic Union (EAEU), i.e. Russian Federation, Republic of Armenia, Republic of Belarus, Kyrgyz Republic and Republic of Kazakhstan, to discuss *inter alia*: inclusion of chemicals in Annex III to the Rotterdam Convention; the prior informed consent (PIC) procedure and accession to the Rotterdam Convention by the Eurasian Economic Union.

2. Due to the ongoing coronavirus pandemic, the workshop was organised online on 10 February 2022. The workshop was attended by 169 participants and delegates, among which the DNAs of the EAEU Member States – from the Federal Service for Surveillance on Consumer Rights and Human Wellbeing, Ministry of Health, Ministry of Industry and Trade of the Russian Federation; the Eurasian Economic Commission; the National Scientific-Practical Centre of Hygiene to the Ministry of Health of the Republic of Belarus; the Ministry of Environment of the Republic of Armenia; the Ministry of Natural Resources, Ecology and Technical Supervision of Kyrgyzstan; business representatives of the Russian Federation, Belarus and Armenia. In addition, representatives of the BRS Secretariat, European Union (EU), European Chemicals Agency (ECHA) and the DNA of Switzerland shared their expertise during the workshop.

Opening session

3. The Federal Service for Surveillance on Consumer Rights and Human Wellbeing, the Russian DNA, represented by Ms. Irina Bragina, welcomed participants noting the importance of the event. She underlined the need to discuss accumulated issues related to the implementation of the Rotterdam Convention (RC) in the region in the context of strengthening chemicals lifecycle management. Delving deeper into the history of the Russian Federation's accession to the Rotterdam Convention in 2011, she informed that the Party through the adoption of laws and sub-laws is actively fulfilling its obligations under the Convention. In addition, it was emphasized that the Russian Federation had started its scientific work to study the hazardous properties of the chemicals and pesticides a significant period before becoming a Party. Consequently, the national register of potentially harmful chemicals had already been established in the early 1990s and is still the basis for the Party's work on the PIC procedure

under the RC risk evaluation. She added that all the issues to be discussed in the workshop and the opportunity to share experiences was expected to contribute to better understanding and harmonised approaches to implementation of the RC.

4. Delivering her message, the Russian Official Contact Point (OCP) to the Rotterdam Convention, Director of the Department of Emergency Medical Assistance and Health Risk Management of the Ministry of Health of the Russian Federation, Ms. Inna Kulikova expressed her gratitude for the opportunity to speak at the event on behalf of the Ministry of Health. She highlighted that the Russian Federation has always paid much attention to the healthcare of its population and to environmental safety. In this context, it has been conscious of the impact of certain hazardous chemicals human health and the environment. This gives rise to a need for informed decisions on and use of chemicals, including through cooperative work through various international platforms. She underscored the Rotterdam Convention's significance as an important mechanism allowing the international community to act in a coordinated manner towards this objective.

5. Mr. Pavel Filatkin, Deputy Director of the Department of Chemical and Technologic Complex and Bioengineering Technologies of the Ministry of Industry and Trade of the Russian Federation also noted the importance of implementation of international obligations by the Russian Federation. His Ministry was one of those responsible for developing the Technical Regulations of Safety of Chemical Products in the Eurasian Economic Union, and is one of the authorities responsible for implementing the regulations in Russia. He noted the activity of the Ministry in reconciling human and environmental safety and developing industry, observing the strict safety requirements following the legislation. He expressed the Ministry's readiness to cooperate with all interested stakeholders, including those who work on environmental safety and industry development.

6. Ms. Christine Fuell, FAO Senior Technical Officer and coordinator of the Rotterdam Convention Secretariat also welcomed participants. She explained that the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade is a legally binding international instrument. She noted that the Rotterdam Convention works in synergies with the Basel and the Stockholm Conventions to achieve their common objectives, the protection of human health and the environment. She underlined that the Convention itself does not ban any chemicals or pesticides but promotes an information sharing process to enable its 165 Parties to take informed decisions with regard to international trade in hazardous chemicals and pesticides, including about their future import. The provisions of the Convention help to improve transparency in the international trade of hazardous chemicals. The joint Secretariat supports Parties in all aspects of implementation and provides specific technical assistance upon their request.

7. The Deputy Director of the Department of Industrial Policy of the Eurasian Economic Commission Mr. Georgy Arzumanyan then welcomed participants and noted that it was one of the first meetings with the involvement of the EAEU. He underscored that the Commission of the EAEU addresses issues of chemicals management related to such areas as industry and construction. He highlighted the importance of issues of regulation and trade for the organisation. He also underlined that the outcome of the event, including information support and experience exchange will inform and provide an impetus for development of the Commission's activities in this field.

8. Mr. Juergen Helbig, DNA of the European Union thanked the Russian Federation and the Secretariat of the Basel, Rotterdam and Stockholm Conventions for organising the workshop. He underlined that the Rotterdam Convention is an important tool to regulate the international trade in certain hazardous chemicals and pesticides. Information exchange and discussion of the implementation of the Convention is an important matter. Mr. Helbig stressed that multilateral environmental agreements are important instruments to address environmental issues of global relevance and the EU places a lot of importance on such instruments by integrating them in the EU legislation and EU policy, including in its interactions with non-EU countries. To achieve the objectives and to fully benefit from the protection offered by the Convention, it is crucial that all Parties properly implement all obligations under the Convention and fully apply the mechanisms provided by the Convention. For this reason, the European Union integrated the Convention into EU legislation by adopting the so-called PIC Regulation.

Session I

9. The panellists of the session were:

I. Ms. Tatiana Terekhova, BRS Secretariat

II. Ms. Yvonne Ewang-Sanvincenti, BRS Secretariat

III. Mr. Georgy Arzumanyan, Deputy Director of the Department of Industrial Policy of the Eurasian Economic Commission

IV. Mr. Juergen Helbig, OCP and DNA on the Rotterdam Convention, European Union

V. Ms. Salla Gynther, PIC operations team, European Chemicals Agency

10. Ms. Tatiana Terekhova provided an overview of the Rotterdam Convention, addressing among other issues: the Convention's objectives, governing bodies and stakeholders, Annex III chemicals, candidate chemicals and procedures for listing of additional chemicals in Annex III. She dwelled upon the mechanisms of the Convention and the main obligations of the Parties and how the Secretariat renders assistance to the Parties in implementation of the Rotterdam Convention. Ms. Terekhova further explained how hazardous chemicals could be identified.

11. Ms. Yvonne Ewang-Sanvincenti briefed the participants on how to become a Party to the Rotterdam Convention, giving the overview of the status of ratification of countries in the EAEU region, implications of becoming a Party as well as providing information on states and regional economic integration organisations as Parties. She further provided details on the steps to be taken to become a Party to the Convention and which tools were elaborated by the Secretariat to assist both parties and non-parties.

12. Mr. Georgy Arzumanyan, presented information about structure and operation of the Eurasian Economic Commission since the establishment of this international organization of regional economic integration, underlining that the main objectives of the Union include creating conditions for stable economic development within its member states and improving the living standards for their populations. He also gave information about the trade between member states and between other states and the EAEU. His presentation focused on: macroeconomic sustainability, integration, the main elements under the EAEU Treaty including the powers and competencies of the EEC.

13. Mr. Helbig then gave his presentation, addressing implementation of the Rotterdam Convention within the EU, in particular how the Rotterdam Convention provisions had been transposed into EU law. He provided the main specificities of the EU regime compared to the

Rotterdam Convention provisions. He outlined the main differences between the Rotterdam Convention and the EU PIC Regulation, as well as the scope of the EU PIC Regulation. Mr. Helbig also provided information on the requirements to the exported chemicals, i.e. documentation and requirements to accompany chemicals exported from the EU.

14. Ms. Salla Gynther provided information about implementation of the Rotterdam Convention in the European Union, in particular the two main procedures – export notifications and explicit consent – were the main focus of her presentation. She clarified when either export notification or explicit consent procedure should be applied.

Interactive session

15. Workshop participants addressed questions to the Rotterdam Convention Secretariat including on whether the non-Parties to the Rotterdam Convention can participate in PIC procedure when receiving relevant queries from other countries, what staffing, and qualifications Parties should establish within their DNA for successful implementation of the Rotterdam Convention. The Secretariat indicated that the Convention was an international legally binding instrument but Parties had the right to take other action consistent with the Convention's provisions and in accordance with international law. This could include a voluntary approach for the PIC procedure involving non-Parties. The Secretariat also reminded participants that under the Convention there is an obligation to ensure that the DNAs have sufficient resources to perform their tasks efficiently and that it would be for each Party to determine what is sufficient in light of their national circumstances. Parties could designate one or more DNAs but that it was important in the event of multiple DNAs to establish clear roles and responsibilities to facilitate cooperation between them, consistent and effective implementation of the Convention.

16. The EEC representative answered the question of one of the participants regarding unifying the lists of prohibited substances inside the EAEU in order to control their movement more effectively within the EAEU and not only those coming from or going outside of the EAEU. In addition, a comment regarding the pesticides' packaging and imports of plastic wastes was addressed in due manner disclosing the EAEU strategy within the green agenda until 2025.

17. A number of questions to the EU representatives included export notifications of banned or restricted chemicals and related requirements, mechanisms for selection of chemicals for inclusion in PIC procedure, regulatory decisions regarding pesticide glyphosate. The EU representatives responded in terms of the mechanism applied for the EU regulation due to the difference with the Rotterdam Convention – they monitor all different pieces of legislation that apply in the European Union. Whenever a decision is made not to approve a certain active substance for use in plant protection products, it is determined whether this non-approval decision indeed constitutes a ban within the subcategory of the Convention use category. Accordingly, they prepare an amendment to the PIC regulation, which happens once a year. This amendment is represented in the electronic tool, and the PIC application is managed by the European Chemicals Agency, so that all exporters may inform them of their exports. In terms of glyphosate the EU representative responded that it is still allowed as active ingredient in the EU and has been for some time.

18. Another intervention in relation to the EU presentations was regarding the mechanism of control of the chemicals' volumes claimed in the notification with the real volumes of supplies.

The export notification does not specify the actual volume, but rather the expected, which is based on contracts or the previous years' experience. Although it is impossible at the start of the year to know exactly how much will be exported during the year, the EU has a reporting obligation that requires all exporters to report the following year on all exports done in a given year. These reports are also published on the ECHA website and are open to the public.

19. A question was raised to describe the organisation of communications and other interactions between the EU Member States' DNAs and ECHA on the export notifications and the EU's PIC regulation. Mr. Helbig clarified that each EU Member State has their own DNA responsible for implementing all provisions of the EU PIC regulation because there is a significant amount of work to be done at the national level, which cannot be done at the EU level. The EU has the regulation, which clearly identifies and defines the responsibilities of Member States, the responsibilities of the European Commission and ECHA. The Member State authorities are also responsible for the enforcement of different provisions, e.g. the customs authorities are very much involved and through the customs clearance they ensure that only exports that are allowed to leave the European Union are leaving.

20. Participants also wanted to know what would happen if an importing country did not respond to a submitted export notification, but the export shipment nonetheless took place and what would happen if the chemicals were not included in Annex III to the Rotterdam Convention but included in the EU PIC regulation. The EU representatives stated that this depends, based on where it is listed, as there are two different procedures – the export notification procedure for chemicals **not listed** in Annex III and the prior informed consent procedure for chemicals **listed** in Annex III. For chemicals not listed in Annex III and to determine if an export has followed these requirements, the exporter must file an export notification, which is subsequently cleared by the DNA of the Member State. In such cases, the absence of an acknowledgment would not block the export. It was noted however that for export notifications under the Rotterdam Convention, the exporting Party needs to submit a second notification if it does not receive an acknowledgement within the relevant deadline. It is different when the explicit prior informed consent procedure applies for Annex III chemicals because ECHA first asks the importing country whether they agree to the export and if they do not respond then ECHA generally denies the export unless there is a chance to use the so-called waiver of the obligation. In general, if

- there is no import response or only an interim response that does not contain an interim decision;
- the company can demonstrate that the chemical is registered for use as a chemical in the importing country; or
- if there are previous records that the chemical was previously used, registered in or imported into the country,

ECHA will accept the export even if the importing company has not responded to the request for explicit consent.

Session II

21. The panelists of the session featured:

I. Ms. Anahit Aleksandryan, Legal Adviser to Ministry of Environment of the Republic of Armenia, DNA of the Republic of Armenia on the Rotterdam Convention

II. Mr. Sergey Sychik, Director of the Scientific and Practical Centre of Hygiene under the Ministry of Health, Republic of Belarus

III. Ms. Khalidya Khamidullina, DNA of the Russian Federation on the Rotterdam Convention

IV. Ms. Sarah Maillefer, DNA of Switzerland on the Rotterdam Convention, Federal Office for the Environment FOEN, Air Pollution Control and Chemicals Division

22. Ms. Anahit Aleksandryan provided an outline on ratification of the Rotterdam Convention by the Republic of Armenia back in 2003 and obligations it undertook for its implementation, including a number of governmental decisions adopted in implementation of the Convention and approval of the list of chemicals and pesticides, which use, import/export was prohibited. She indicated the lack of a unified registration system of chemicals in the Party underlining the need for a comprehensive data on the characteristics of chemicals, requirements for labelling and replacement of most hazardous chemicals by less hazardous. Ms. Aleksandryan provided a set of solutions, including training at the national level.

23. Mr. Sergey Sychik acquainted participants of the workshop with the process of preparation of the Republic of Belarus to accede to the Rotterdam Convention providing general information of the Belorussian state policy in chemical safety. Though the country started active steps towards accession to the Convention, the lack of the national infrastructure of supervision and control over the chemicals' turnover was a deterring factor. After consulting with the Rotterdam Convention Secretariat, the needed technical assistance was rendered. Mr. Sychik provided an overview of extensive steps undertaken so far in the country to accede to the Convention. He also highlighted the issues of inter-regional cooperation in information exchange on chemicals within the Eurasian Economic Union.

24. Ms. Khalidya Khamidullina analysed the activities under the mandatory and voluntary PIC procedure indicating the resources for the implementation of the mandatory and voluntary PIC procedure at the regulatory, organisational and informational level. Four-year breakdown of received export notifications, volumes of imported hazardous chemicals, characteristics of toxicity, dynamics of the volumes of imported chemicals were provided. The analysis demonstrated by Ms. Khamidullina showed that the country's economy still uses chemical products that are highly dangerous for human health and the environment, which are banned or strictly limited in many states.

25. Ms. Sarah Maillefer presented an overview of implementing of the Rotterdam Convention by Switzerland from 2002 to the present date, with the obligation of exporters on exports notifications with tools available for them. She explained the duties of the Swiss DNA, who works in collaboration with customs authorities on the export notification process, import decisions, procedures for updating the chemicals subject to the export notification obligation and updates of the chemicals subject to PIC procedure and its interconnection with the customs tariff database. Ms. Maillefer also underlined that export license is only delivered if explicit consent from importing country (also non-Parties) has been granted and if explicit consent request remains unanswered: no possibility to waive export license requirement.

Interactive session

29. An issue in terms of assistance, which can be rendered to the Republic of Belarus to support its efforts in the process of accession to the Rotterdam Convention was raised. The representative of the Rotterdam Convention Secretariat noted the issues raised and challenges encountered, confirming the Secretariat is ready to support the country in this process.

30. A question was addressed to the DNA of the Russian Federation about their experiences of cooperation with the customs bodies on Rotterdam Convention. In response, the DNA

explained that they have been receiving notifications and working with the business community on PIC procedure since 2011. Should an issue arise with the customs authorities, they forward the issue to the DNA in Russia.

Recommendations as suggested by the workshop participants :

I. Promote participation of the Eurasian Economic Union in the international process for the safe management of chemicals, through the creation and implementation of a programme to study chemical products circulating in the customs territory of the EAEU, to withdraw high-risk chemicals and mixtures from circulation and replace them with safe alternatives;

II. Call on the governments of the EAEU member states to further synergise in the field of chemical safety in the customs territory of the EAEU (the integration association of the EAEU requires to unify approaches to the procedure for export/import of hazardous chemicals into the customs territory of the EAEU).

III. Creation of a single agency for chemicals within the EAEU similar to the European Chemicals Agency (ECHA) that will allow for administration of compliance with chemical safety requirements.

IV. Intensify support to efforts by the Republic of Belarus towards accession of the Rotterdam Convention, as part of the integration process of the EAEU in the field of sound management of hazardous chemicals. The accession of the Republic of Belarus to the Rotterdam Convention would allow the country to participate fully in decision making at the international level on international trade in chemicals under the Rotterdam Convention, including whether to list additional chemicals and make them subject to the PIC procedure. Belarus would then also be able to access more information, better protect its own economic interests, as well as the interests of EAEU as a whole. In addition, it could support the efforts by the EAEU countries to harmonise their approaches on undertaking common risk reduction measures resulting from carrying out risk assessments/evaluations of hazardous chemicals, resulting in decreased use of hazardous substances import in order to protect the human health and the environment.