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2014/0356 (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

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 (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous 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 seventh meeting of the Conference of the Parties (COP7) will take place in Geneva from 4 to 15 May 2015. In addition to the Union, 27 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 Annex III to the Convention, making them subject to the PIC procedure.

The chemicals recommended by the CRC for inclusion in Annex III to the Rotterdam Convention, namely chrysotile asbestos, methamidophos, trichlorfon, fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/L) and liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L, are already subject to restrictions on export under Union law, that are similar to those under the Convention. 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 COP7.

¹ OJ L 201, 27.7.2012, p. 60.

² OJ L 299, 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 (EU) No 649/2012 of the European Parliament and of the Council of 4 July 2012 concerning the export and import of hazardous chemicals⁴ implements the Rotterdam Convention in the Union.
- (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, methamidophos, trichlorfon, fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/L) and liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L. These 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 seventh meeting of the Conference of the Parties (COP7) of the Rotterdam Convention is expected to take decisions on the proposed amendments to Annex III. The Union should support these amendments.

HAS ADOPTED THIS DECISION:

Sole Article

At the seventh meeting of the Conference of the Parties to the Rotterdam Convention, the Union shall support the adoption of the amendments to add chrysotile asbestos, methamidophos, trichlorfon, fenthion (ultra low volume (ULV) formulations at or above 640 g active ingredient/L) and liquid formulations (emulsifiable concentrate and soluble concentrate) containing paraquat dichloride at or above 276 g/L, corresponding to paraquat ion at or above 200 g/L, to Annex III to the Rotterdam Convention. Minor changes to the draft

³ OJ L 299, 28.10.2006, p. 23.

⁴ OJ L 201, 27.7.2012, p. 60.

Decision of the Conference of the Parties may be agreed to by the representatives of the Union in the meeting without further decision of the Council.

Done at Brussels,

*For the Council
The President*