

Synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes: comments from Parties on the draft forms for cases of trade occurring in contravention of the Rotterdam and Stockholm conventions

The decisions adopted at the 2019 conferences of the parties, particularly RC-9/12 and SC-9/22 requested the development of a draft form and explanatory document to enable Parties to the Rotterdam and Stockholm conventions to voluntarily provide information about cases of trade occurring in contravention of those conventions, for comments by Parties and subsequent consideration by the conferences of the Parties to the Rotterdam and Stockholm conventions at their next meetings.

As of June 2021, the following are the comments received from the Parties on the draft forms and the explanatory notes prepared by the Secretariat.

Australia

Thank you for the opportunity to review and provide comment on the attached letter on synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes, and draft forms for cases of trade occurring in contravention of the Rotterdam and Stockholm Conventions.

Australia found the draft forms and notes to be clear and self-explanatory and have no comments.

Chile

We agree with the draft forms for cases of trade occurring in contravention of the Rotterdam and Stockholm conventions.

China

Thank you for sending us the draft forms for comments. We would like to seek your clarifications and make suggestions for revision on several points in the form and notes for the Stockholm Convention.

1. For columns 4 and 5 in the form, we hope to have further understanding about the purpose of them. If the export/import is illegal, the case should be recorded in the form no matter the parties have registered specific exemptions/acceptable purposes or not. If the export/import is allowed and legal because of registration of specific exemptions/acceptable purposes, it is not needed to be reported in the form. If our understanding is correct, we suggest that column 4 and 5 be deleted.
2. It is suggested that the wording chemicals "for which safer alternatives are not readily available to all countries and" be deleted because there is no such wording in the convention as the reason for specific exemptions or acceptable purposes.

3. It is suggested that the wording "non-party" be changed to "state not party" as it is used in the Convention.

4. It seems that there is a citing mistake in the last para of page 5, is it "para 2(d) of Article 3" instead of "para 2(b) of Article 3"?

Costa Rica

Reciba un cordial saludo por parte del Servicio Fitosanitario del Estado, como entidad encargada del Convenio de Rotterdam y como autoridad nacional designada del Convenio de Rotterdam por plaguicidas en Costa Rica, con respecto a la nota enviada el 15 de diciembre de 2020 referente a "Sinergias para prevenir, combatir el tráfico ilegal y el comercio de productos químicos peligrosos y Residuos: proyectos de formularios para casos de comercio que se produzcan en contravención con los Convenios de Rotterdam y Estocolmo", un comentario que Costa Rica tiene, en lo que respecta al Convenio de Rotterdam (Anexo 1), es que en el documento que se envía no se indica la periodicidad que cada parte debe enviar los formularios a la Secretaría, si es una vez al año ó cuando se detecte algún caso de tráfico ilícito, por lo que se recomienda de la misma manera en esta misma nota no se incluye el procedimiento que debe seguir cada parte para el intercambio de los formularios con la secretaria.

Germany

Referring the draft forms and explanatory notes to provide information on cases of trade occurring in contravention of the Rotterdam and Stockholm conventions we have a small comment. We propose to add in Annex 1 and 2 an additional column, similar like in Annex 3, with "others". Beyond exporters and importers there exist possibly other actors, e.g. shipowners could have responsibility.

Guatemala

Guatemala appreciates the shared documentation and appreciates the effort made. We find very helpful the forms sent for trade cases that occur in contravention of the Rotterdam and Stockholm Conventions, as well as the explanatory notes to the annexes. Guatemala does not have any comments on the draft forms and annexes.

India

Reference may kindly be made to an email dated December 23, 2020, seeking comments on draft forms for cases of trade occurring in contravention of the Rotterdam and Stockholm conventions.

In this regard, the following suggestions may be noted for consideration please:

- i. **Details of the packaging:** In case of illegal trade, it is unlikely to get realistic information on CAS no./ HS Code. Therefore, putting CAS no./ HS Code-related details of the packing, such as barrels/cans/ bags/ boxes/ any other non-specified type, would be helpful for crude identification of the physical nature of the chemical. The information would also serve to be useful for the categorization of existing/prospective consignments as chemical/ hazardous waste/ POP waste.
- ii. **Measures taken for final action /disposal of the chemical/ hazardous waste/ POP waste:** If the consignment happens to be an illegal chemical/ waste, then apart from action taken on the involved agencies, it is also important to have a track on the ultimate fate of the consignment in terms its safe disposal/ return to the parent organization/ safe storage and custody, etc. The purpose of transporting consignment (like for storage, disposal, process-use, recycling, etc.), if included in Forms, would be very useful for parties and will prevent the shipment from being diverted to other countries.
- iii. In case of illegal import of the hazardous or other waste, the importer shall re-export the waste in question at his cost within a period of ninety days from the date of its arrival into India and its implementation will be ensured by the concerned Port and the Customs authority. In case of disposal of such waste by the Port and Customs authorities, they shall do so in accordance with the applicable domestic rules with the due permission of the concerned authority, where the Port exists.
- iv. In case of illegal import of hazardous or other waste, where the importer is not traceable then the waste either can be sold by the Customs authority to any user having authorization under applicable rules or can be sent for authorized treatment, storage, and disposal facility.

Japan

Japan would like to thank the Secretariat of Basel, Rotterdam and Stockholm Conventions for its work to draft forms for cases of trade occurring in contravention of the Rotterdam and Stockholm conventions. Japan would like to comment on its draft format column 1 of Annex 1 and 2 “Parties (States) of export and Parties (States) of import”. We suggest that the information provided in the Column include transit Parties(states) and types of transportation. The information would be useful to know the details of cases of trade occurring in contravention of the Conventions. We note that providing the information is voluntary.

In Column 1, indicate the Parties (States) involved in the case of illegal trade (exporting Party and importing Party (State of export and State of import)), providing for the direction of transport as follows: “From Party (State) A by sea to Party (State) B (by land) to Party(State) C ” where possible, use 2-letter ISO codes to indicate countries. A list of ISO codes is available [here](#).

Myanmar

Regarding synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes, draft forms for cases of trade occurring in contravention of the Rotterdam and Stockholm conventions are well received.

In terms of the Rotterdam convention, Myanmar has not ratified the convention yet. As a member country for Stockholm conventions, we would like to inform you that we have no objection to the draft form stated in Annex 2 and would cooperate to control cases of trade occurring in contravention of the Stockholm Convention.

New Zealand

Thank you for the opportunity to comment on the draft forms for cases of trade occurring in contravention of the Rotterdam and Stockholm conventions. New Zealand supports the development of these forms to assist Parties to provide information about such cases of trade.

We would like to suggest that, where possible, Parties are also asked to attach photos of the material involved to the notification form. One photo should include the labelling on any packets in the shipment. This would be useful for all three conventions.

We also found the link to the HS codes in the explanatory note for column 5 in the Rotterdam Convention table useful. Could a similar link be provided in the explanatory code for column 6 in the Stockholm Convention table, and could a HS column and explanatory note be provided in the Basel Convention table?

We would also like to suggest that the columns in the Basel Convention table are numbered, the same as the columns in the tables for the Rotterdam and Stockholm conventions, as this makes it easy to find the relevant explanatory note.

Romania

According to the request from 15 December 2020 concerning the decisions of the conferences of the Parties to the Rotterdam and Stockholm Conventions in reference to the possibility for the Parties to voluntarily provide information about cases of trade occurring in contravention of these Conventions, on behalf of Romania I would like to kindly ask you to note that for our country no cases of trade have been identified in violation with the above mentioned Conventions.



ПОСТОЯННОЕ ПРЕДСТАВИТЕЛЬСТВО
РОССИЙСКОЙ ФЕДЕРАЦИИ
ПРИ ОТДЕЛЕНИИ ООН И ДРУГИХ
МЕЖДУНАРОДНЫХ ОРГАНИЗАЦИЯХ
В ЖЕНЕВЕ

PERMANENT MISSION
OF THE RUSSIAN FEDERATION
TO THE UNITED NATIONS OFFICE AND
OTHER INTERNATIONAL ORGANIZATIONS
IN GENEVA

№ 1448

Постоянное представительство Российской Федерации при Отделении ООН и других международных организациях в Женеве свидетельствует своё уважение Секретариату Базельской, Роттердамской и Стокгольмской конвенций и имеет честь представить комментарии российской стороны к проектам форм и пояснительных документов для представления Сторонам Роттердамской и Стокгольмской конвенций информации о случаях несанкционированного оборота опасных химических веществ и отходов.

1. В проекте формы для случаев торговли, совершенных в нарушении Роттердамской конвенции, российская сторона предлагает:

- наименование столбца № 9 изложить в следующей редакции: «анализ проб и метод анализа, если доступно»;
- пояснение к заполнению столбца № 9 изложить в следующей редакции: «в столбце № 9 укажите, был ли проведён анализ пробы и каким методом выполнен анализ».

Секретариат Базельской,
Роттердамской и Стокгольмской
конвенций
Программа ООН по окружающей среде

Женева

2. В проекте формы для случаев торговли, совершенных в нарушении Стокгольмской конвенции, российская сторона предлагает:

- наименование столбца № 10 изложить в следующей редакции: «анализ проб и метод анализа, если доступно»;
- пояснение к заполнению столбца № 10 изложить в следующей редакции: «в столбце № 10 укажите, был ли проведён анализ пробы и каким методом выполнен анализ».

Постоянное представительство Российской Федерации пользуется настоящей возможностью, чтобы возобновить Секретариату Базельской, Роттердамской и Стокгольмской конвенций уверения в своём высоком уважении. *al*

Женева, «*9*» апреля 2021 года



Serbia

Republic of Serbia has no reported cases of trade occurring in contravention of the Rotterdam and Stockholm Convention. We do not have any additional comment on the draft forms.