

Briefing note on the work under the Basel, Rotterdam and Stockholm Conventions as it relates to highly hazardous pesticides

1. With the present briefing note, the Secretariat of the Basel, Rotterdam and Stockholm Conventions would like to contribute information to support the work of Member States towards the development of a possible resolution on *highly hazardous pesticides (HHPs)*.
2. In introduction, it could be noted that all pesticides listed in Annex III of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention on Persistent Organic Pollutants are considered HHPs, as per the definition of HHP of the FAO/WHO International Code of Conduct on Pesticide Management.¹ In that respect, any actions taken and work carried out under the Rotterdam and Stockholm conventions contribute directly to the sound management of HHPs.
3. In accordance with relevant mandates, the BRS Secretariat cooperated with the Food and Agriculture Organization of the United Nations (FAO), and others, on the elaboration of elements of a global action plan on HHPs, which were submitted to the fifth session of the International Conference on Chemicals Management (ICCM5). The Rome-part of the Rotterdam Convention Secretariat regularly participates in the sessions of the FAO/WHO Joint Meeting on Pesticide Management to present the work of the Rotterdam Convention, as relevant.

I. Rotterdam Convention

4. The Rotterdam Convention aims to promote shared responsibility and cooperative efforts among its Parties in the international trade of certain hazardous pesticides and industrial chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use, by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties. The Rotterdam Convention serves as a first line of protection for Parties against the unwanted import of potentially harmful hazardous pesticides and industrial chemicals.
5. The Rotterdam Convention's key provisions include:
 - (a) A Prior Informed Consent procedure which provides for a mechanism for formally obtaining and disseminating the decisions of importing Parties as to whether they wish to receive future imports of those chemicals listed in Annex III of the Convention and for ensuring compliance with these decisions by exporting Parties;
 - (b) Exchange of information on a broad range of potentially hazardous chemicals.
6. The chemicals listed in Annex III include pesticides and industrial chemicals that have been banned or severely restricted for health or environmental reasons by two or more Parties as well as severely hazardous pesticide formulations proposed for listing by a developing country or a country with an economy in transition and which the Conference of the Parties has decided to subject to the PIC procedure. There are currently 55 chemicals listed in Annex III, including 36 pesticides (among those, 3 severely hazardous pesticide formulations), and 1 chemical in both the pesticide and the industrial chemical categories.
7. The following mechanisms and resources under the Rotterdam Convention assist Parties in reducing risks from hazardous pesticides, including HHPs, in international trade:
 - (a) The Prior Informed Consent procedure, a mechanism for formally obtaining and disseminating the decisions of importing Parties as to whether they wish to receive future

¹ HHPs are defined as "pesticides that are acknowledged to present particularly high levels of acute or chronic hazards to health or environment according to internationally accepted classification systems such as WHO or GHS or their listing in relevant binding international agreements or conventions. In addition, pesticides that appear to cause severe or irreversible harm to health or the environment under conditions of use in a country may be considered to be and treated as highly hazardous".

imports of those chemicals listed in Annex III of the Convention and for ensuring compliance with these decisions by exporting Parties;

(b) The Final Regulatory Action Evaluation Toolkit (FRAE Toolkit), aimed at assisting and enhancing the efforts by national authorities to take scientifically sound final regulatory decisions on hazardous chemicals, including potential HHPs;²

(c) Information exchange, such as through: the dissemination of summaries of notifications of final regulatory actions, including, among others, information on the hazards and risks presented by the chemical to human health or the environment, and which may cover information on alternatives; proposals to list SHPFs; export notifications including information, among others, on precautionary measures; requirements on the use of Harmonized System custom codes, labelling requirements and safety data sheets; the [PIC Circular](#); and the Decision Guidance Documents (DGD).³

8. The Convention provides technical assistance and capacity-building to Parties that are developing countries and countries with economies in transition. One of the objectives of the technical assistance activities carried out by the Secretariat under the Rotterdam Convention in the biennium 2024-2025 is to strengthen Parties' capacities to propose Severely Hazardous Pesticide Formulations (SHPF), through enhanced monitoring and reporting pesticide incidents, and identification of HHPs. Activities support Parties to set up framework to systematically collect, evaluate and report information pursuant to Article 6 and Annex IV to the Convention related to SHPF. An integrated approach to pesticide management is promoted in the identification of SHPF and HHPs at the national level. Furthermore, Parties are assisted in identifying pesticides of relevance to Article 5 and Article 6 of the Convention and the identification and validation of suitable and economically viable alternatives and alternative methods.

9. As part of its technical assistance activities, in 2023, the Secretariat contributed to a series of Pesticide Registration Toolkit training workshops carried out by FAO for national Rotterdam Convention's focal points and staff involved in pesticide registration covering the following countries: Cook Islands, Fiji, Jordan, Kiribati, Morocco, Samoa, Solomon Islands, Tanzania, Tonga, Tuvalu and Vanuatu. The training workshops included sessions on the Rotterdam Convention's obligations and a specific module on HHPs. The Secretariat further held a 1-day session on the Rotterdam Convention's obligations and the work on HHPs during a workshop with representatives from Bangladesh from 4-8 September 2023, at the FAO headquarters, in Rome, Italy.

II. Stockholm Convention

10. The Stockholm Convention aims to protect human health and the environment from persistent organic pollutants (POPs). The Stockholm Convention requires Parties to eliminate or reduce releases from POPs, including POPs pesticides which are considered HHPs.

11. Parties are required to eliminate production and use, as well as the import and export, of chemicals listed in Annex A, and to restrict production and use, as well as the import and export, of chemicals listed in annex B. The Convention also requires that waste containing POPs are managed safely and in an environmentally sound manner.

12. A total of 34 POPs, including 19 POPs pesticides, are currently listed under the Stockholm Convention.

13. The following provisions, arrangements and activities under the Stockholm Convention assist Parties to eliminate or reduce releases from POPs pesticides:

(a) A financial mechanism for the provision of adequate and sustainable financial resources to developing country Parties and Parties with economies in transition to assist in the implementation of the Convention as it relates to POPs pesticides;

(b) Technical assistance provided to developing country Parties and Parties with economies in transition, upon request, by the Secretariat or by other partners, such as Stockholm Convention regional centres;

² Available at <http://www.pic.int/Implementation/FinalRegulatoryActions/FRAEvaluationToolkit/Introduction/tabid/4976/language/en-US/Default.aspx>.

³ Available at <http://www.pic.int/Implementation/PICCircular/tabid/1168/language/en-US/Default.aspx>.

(c) Various guidance documents and manuals on inventorying POPs pesticides, developing/updating national implementation plans, on monitoring and management of POPs pesticides and on consideration of alternatives to POPs chemicals;

(d) Guidance on identification and management of sites contaminated with POPs.

III. Basel Convention

14. The overarching objective of the Basel Convention is to protect human health and the environment against the adverse effects of hazardous wastes and “other wastes” requiring special consideration”, namely household waste, incinerator ash, plastic wastes and non-hazardous e-wastes.

15. The Convention’s provisions center around the following principal aims:

(a) Prevent and minimize the generation of hazardous and other wastes;

(b) Control transboundary movements of hazardous and other wastes: The Convention requires the consent of a State of import and any State(s) of transit before wastes can be exported.

(c) Promote the environmentally sound management of hazardous and other wastes: Parties are required to take all practicable steps to ensure that hazardous and other wastes are managed in a manner which will protect human health and the environment.

16. Wastes containing, consisting of or contaminated by pesticides are covered by the Basel Convention and therefore subject to the Convention’s provisions. The following global mechanisms and tools are available:

(a) The prior informed consent procedure requiring that, before an export of pesticides wastes may take place, the State of export notify the authorities of the States of import and transit, providing them with detailed information on the intended movement. The movement may only proceed if and when all States concerned have given their written consent;

(b) Technical guidelines on the environmentally sound management of POPs pesticides wastes;⁴

(c) Technical assistance provided, upon request, by the Secretariat or by other partners, such as the Basel Convention regional centres;

(d) Practical guidance for the development of inventories of obsolete pesticides and pesticide-container waste;⁵

(e) Toolkit for the Environmentally Sound Management of hazardous wastes and other wastes.⁶

IV. Synergistic work under the three conventions

17. The Basel, Rotterdam and Stockholm Conventions provide for a range of measures to achieve their goals, including setting of conditions and procedures to be followed for the import and export of the covered chemicals and wastes. These conditions and procedures are expected to ensure that importing States are not confronted with hazardous chemicals and wastes that they do not wish to receive, for instance because they have prohibited their use or because they are unable to manage them in an environmentally sound manner. The control of the international trade of chemicals is covered by the Rotterdam and Stockholm conventions, while trade of wastes is primarily regulated under the Basel Convention.

18. Since 2017, building on lessons learned under the Basel Convention, the three COPs have been adopting decisions on synergies in preventing and combating illegal traffic and trade in hazardous chemicals and wastes which, among other things:

(a) Encourage Parties to establish national-level coordination mechanisms with a view to facilitating the exchange of information among relevant authorities responsible for the

⁴ <https://www.basel.int/Portals/4/download.aspx?d=UNEP-CHW.15-6-Add.3-Rev.1.English.pdf>

⁵ <https://www.basel.int/Portals/4/download.aspx?d=UNEP-CHW-NREP-INVENT-GUID-ObsoletePesticides-2022.English.pdf>

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<https://www.basel.int/Implementation/CountryLedInitiative/EnvironmentallySoundManagement/ESMToolkit/Overview/tabid/5839/Default.aspx>

implementation and enforcement of the provisions of the Conventions, aimed at controlling the export and import of the chemicals and wastes covered under the Conventions,

(b) Request Parties to provide information to the Secretariat about cases of illegal traffic and trade in the chemicals and wastes covered by the Basel, Rotterdam and Stockholm conventions,

(c) Invite member organizations of the Inter-Organization Programme for the Sound Management of Chemicals, the Basel Convention and Stockholm Convention regional centres, the International Criminal Police Organization, the World Customs Organization and relevant global and regional enforcement networks to undertake activities aimed at assisting Parties to the Basel, Rotterdam and Stockholm conventions in preventing and combating illegal traffic and trade in hazardous chemicals and wastes.

19. In their latest 2023 decisions on the matter, namely decisions BC-16/24, RC-11/11 and SC-11/23, the three COPs reiterated and strengthened the approach previously taken by, among other things:

(a) Encouraged Parties to voluntarily provide information about cases of trade in hazardous chemicals occurring in contravention of the Rotterdam Convention and the Stockholm Convention, using the forms adopted;

(b) Requested the Secretariat:

i. To continue to provide advice and undertake technical assistance activities to strengthen the capacity of Parties to prevent and combat illegal traffic and trade in hazardous chemicals and wastes covered by the Basel, Rotterdam and Stockholm conventions;

ii. To collect best practices from Parties for preventing and combating illegal traffic and trade in hazardous chemicals and wastes covered by the Basel, Rotterdam and Stockholm conventions and to present a compilation thereof and lessons learned for consideration by the COPs at their next meeting;

iii. To provide Parties, upon request, with assistance in identifying cases of illegal trade in hazardous chemicals as well as in identifying cases of illegal traffic in wastes;

iv. To propose a workplan, outlining timelines and associated action, to strengthen Parties' capacity to provide information about confirmed cases and experience related to preventing and combating illegal traffic and trade in hazardous chemicals and waste, to be considered by the COPs at their next meetings for possible adoption;

v. To explore, subject to the availability of resources, the needs related to amending the Harmonized Commodity Description and Coding System to identify substances and products that contain the chemicals listed in Annexes A and B to the Stockholm Convention, taking into account the current work conducted under the Basel and Rotterdam conventions on those matters, and to present recommendations to be considered by the COPs at their next meetings, respectively.

20. These synergistic efforts carried out by the Parties to the Basel, Rotterdam and Stockholm conventions to prevent and combat illegal traffic of hazardous chemicals and wastes have been recognized in the draft resolution submitted for the consideration by UNEA-6 as promoting the environmentally sound management of HHPs globally.