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COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.4.2008  
COM(2008) 176 final

Proposal for a

**COUNCIL DECISION**

**establishing the position to be adopted on behalf of the European Community with regard to a proposal for the amendment of Annex III to the Rotterdam Convention**

(presented by the Commission)

## EXPLANATORY MEMORANDUM

1. 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.
2. 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.
3. 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.
4. The Community has implemented the Convention through Regulation (EC) No 304/2003 of the European Parliament and of the Council of 28 January 2003 concerning the export and import of dangerous chemicals<sup>1</sup>. By its Decision 2006/730/EC of 25 September 2006<sup>2</sup>, the Council decided to approve the Convention on behalf of the European Community.
5. The Convention entered into force on 24 February 2004. The fourth meeting of the Conference of the Parties (COP4) will take place in Rome from 27 to 31 October 2008. In addition to the Community, 26 of its Member States are Parties to the Convention.
6. On the basis of recommendations from the Chemical Review Committee (CRC), a subsidiary body under the authority of the COP, the Conference of the Parties is expected to take a decision on the inclusion of further chemicals in the PIC procedure by adding them to Annex III of the Convention.
7. The three chemicals recommended by the CRC for inclusion in Annex III to the Rotterdam Convention, namely chrysotile asbestos, endosulfan and tributyltin compounds, are already subject to similar restrictions under Community law. The Commission, therefore, is proposing to the Council a decision to support, on behalf of the Community, the amendment of Annex III to the Convention at COP4.

The proposed decision will have no impact on the Community budget.

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<sup>1</sup> OJ L 63, 6.3.2003, p.1

<sup>2</sup> OJ L299, 28.10.2006, p.23

Proposal for a

## COUNCIL DECISION

**establishing the position to be adopted on behalf of the European Community with regard to a proposal for the amendment of Annex III to the Rotterdam Convention**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 and 175 (1), in conjunction with the second subparagraph of Article 300 (2), thereof,

Having regard to the proposal from the Commission<sup>3</sup>,

Whereas:

- (1) The European Community has ratified the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade (the 'Rotterdam Convention')<sup>4</sup>.
- (2) Regulation (EC) No 304/2003 of the European Parliament and of the Council of 28 January 2003 concerning the export and import of dangerous chemicals<sup>5</sup> implements the Rotterdam Convention in the Community.
- (3) 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 and tributyltin compounds to ensure that importing countries benefit from the protection offered by the Rotterdam Convention. These three substances are already banned or severely restricted in the Community and are therefore subject to export requirements which go beyond what is required under the Rotterdam Convention.
- (4) The fourth meeting of the Conference of the Parties (COP4) of the Rotterdam Convention is expected to take a decision on the proposed amendment to Annex III. The Community should support this amendment.
- (5) At COP4, the Community and the Member States should cooperate closely to ensure that any amendment to the Annex III is compatible with Community law.

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<sup>3</sup> OJ C , , p. .

<sup>4</sup> OJ L299, 28.10.2006, p.23

<sup>5</sup> OJ L 63, 6.3.2003, p.1. Regulation as last amended by Commission Regulation (EC) No 1376/2007 (OJ L 307, 24.11.2007, p. 14)

HAS DECIDED AS FOLLOWS:

*Sole Article*

At the fourth meeting of the Conference of the Parties of the Rotterdam Convention, the Commission shall support on behalf of the Community, the adoption of the proposed amendment to Annex III with a view to adding to it chrysotile asbestos, endosulfan and tributyltin compounds .

Done at Brussels,

*For the Council  
The President*