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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

concerning the export and import of dangerous chemicals

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

- Grounds for and objectives of the proposal

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 Community¹ ('the Regulation') implements the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for certain hazardous chemicals and pesticides in international trade.

On 10 January 2006, in its judgment in case *Commission v. Parliament and Council*², the Court of Justice annulled the Regulation, ruling that there should have been a dual legal basis including both Articles 133 and 175 first paragraph of the Treaty. The Court however maintained the effects of the Regulation until the adoption, within a reasonable period of time, of a new regulation founded on appropriate legal bases.

The purpose of this proposal is therefore a new Regulation, based on the above-mentioned dual legal basis. At the same time, it is proposed to include certain technical amendments to the operative provisions in the light of a Commission report in accordance with Article 21 of the Regulation on the experience of the procedures to date. That report is being submitted in parallel to this proposal.

- General context

The Rotterdam Convention was adopted in September 1998. It entered into force on 24 February 2004.

In January 2002, the Commission put forward a proposal, based on Article 133 of the Treaty, for a Council Regulation concerning the export and import of dangerous chemicals to implement to the provisions of the Convention within the Community.

After the European Parliament had been consulted on an optional basis pursuant to Article 133, the Council unanimously decided to replace Article 133 by Article 175(1). The Parliament and the Council subsequently jointly adopted Regulation (EC) No 304/2003 of 28 January 2003 concerning the export and import of dangerous chemicals.

Article 21 of the Regulation requires that the Member States shall regularly forward to the Commission information on the operation of the procedures provided for in the Regulation. The Commission shall compile this information in a synthesis report integrating also a report on the performance of the functions provided for in the Regulation for which it has responsibility. The first such overall summary report covering the period from entry into force of the Regulation up until the end of 2005 has recently been compiled. The overall conclusion of the report, confirmed by regular consultations of the Member States, industry and other NGOs, is that generally the procedures are working well, but that certain technical amendments are warranted.

¹ OJ L 67, 6.3.2003, p.1

² Case C-178/03

In addition to annulling the Regulation, in a parallel judgment³, the Court annulled for the same reasons Council Decision 2003/106/EC of 19 December 2002 on the approval, on behalf of the European Community, of the Convention⁴.

Although the annulment of that Council Decision does not affect the original Community ratification of the Convention, a new Council Decision is required with the dual legal base together with an amended declaration of competence to be delivered to the UN depositary. The Commission recently put forward a separate proposal to that end, which was adopted by the Council on 25 September 2006 (Decision 2006/730/EC⁵).

- Existing provisions in the area of the proposal

As noted above, the current Community rules relating to the export and import of dangerous chemicals are laid down in Regulation (EC) No 304/2003, as most recently amended by Commission Regulation (EC) No 777/2006⁶.

The Regulation goes significantly beyond the requirements of the Convention. The key differences can be summarised as follows:

- the rules apply to exports to all countries, whether or not they are Parties to the Convention;
- a wider range of chemicals are subject to annual export notification. For the purposes of determining which chemicals should be subject to the procedure, the two Convention use categories (pesticides and industrial chemicals) are divided into two subcategories each (plant protection products and other pesticides such as biocides; and chemicals for professional use and chemicals for consumer use). Moreover export notification has to be made irrespective of the chemical's intended use and whether or not that use is banned or severely restricted in the EU. Furthermore chemicals subject to the international PIC procedure ('PIC chemicals') and certain articles are also covered;
- PIC chemicals and chemicals that are banned or severely restricted in the Community in a Convention use category cannot be exported without the explicit consent of importing countries;
- Certain articles and chemicals (such those chemicals that are subject also to the Stockholm Convention on Persistent Organic Pollutants) are banned for export;
- All dangerous chemicals exported to third countries have to be labelled and packaged in the same way as they must be within the Community.

³ Case C-94/03 Commission v Council

⁴ OJ L63, 6.3.2003, p.27

⁵ OJ L 299, 28.10.2006, p.23

⁶ OJ L 136, 24.5.2006, p. 9

- Consistency with the other policies and objectives of the Union

The proposal is fully in line with existing policies and objectives aimed at protecting human health and the environment globally such as those laid down in the 6th Environmental Action Programme.

2. CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- Consultation of interested parties

Consultation methods, main sectors targeted and the general background

Numerous parties have been consulted within the framework of the meetings of Designated National Authorities (DNAs) under Regulation (EC) No 304/2003, which have regularly reviewed issues relating to implementation. Participants have included stakeholders such as industry and NGOs as well as Member States, all of whom have had an opportunity to give their opinions and to make comments and been invited to make written submissions on particular issues.

In addition, Member States were able to comment on problems relating to implementation in their reports made pursuant to Article 21 of the Regulation.

Summary of responses and how these have been taken into account

The responses confirmed the need for a limited number of technical amendments to improve the functioning of the Regulation without changing its objectives and core provisions. These have been taken into account in the drafting of this proposal.

- Collection and use of expertise

No recourse to external expertise has been necessary.

- Impact assessment

The current rules are generally working well. A new regulation with certain technical amendments is the only feasible option. Overall the impact of the proposed new regulation is expected to be limited. The main effects will be as follows:

- There will be more clarity and transparency and increased legal certainty;
- Control of exports by customs will be enhanced, without unduly impeding trade that complies with the rules;
- There will not be any additional administrative burdens for exporters and authorities. On the contrary, in certain respects the proposed amendments will lead to a reduction. On the other hand, the burden for the Commission would increase to some extent;
- The current high level of protection for human health and the environment will be maintained.

3. LEGAL ELEMENTS OF THE PROPOSAL

- Summary of the proposed action

Subject to the required change of the legal basis, the proposed new Regulation would essentially maintain all the provisions of the current Regulation, including those that go beyond the requirements of the Convention. However, as confirmed in the Commission's report under Article 21, experience of the existing arrangements has shown that certain technical amendments are needed to improve the functioning of the Regulation. The main changes are as follows.

Changes and clarifications as regards certain definitions (Article 3)

Exporter

Under the Regulation, the exporter is essentially defined as the legal person shown on the shipping documents as the person with a contract with the consignee and responsible for determining the sending of the chemical out of the EC customs territory. However there have been problems in applying this definition in the context of the export notification procedure, which requires the exporter to notify the DNA of the Member State in which he is established, since sometimes the exporter can be a trader not established in the Community who has obtained the chemicals from an EC chemical manufacturer or distributor. It is therefore proposed to adapt the definition to cover this situation.

Preparation

Under the Regulation, 'preparation' is defined as meaning a mixture or a solution composed of two or more substances, if the preparation, as defined in Directive 1999/45/EC, is subject to compulsory labelling under Community legislation, on account of the presence of any of those substances. This rather broad definition is appropriate in the context of Article 16, which relates to all exported dangerous chemicals. However it has caused some questions about the scope of the obligations as regards other operative provisions, particularly those relating to export notification and explicit consent under Articles 7 and 13 respectively. It is therefore proposed to revise the definition and to make it clearer in those operative provisions that preparations are only subject to the requirements when they contain a chemical(s) listed in the relevant part(s) of Annex I of the Regulation to the extent that its presence is such that it could trigger labelling, irrespective of the presence of any other substances in the preparation.

Changes and clarifications to the so-called 'explicit consent' procedure (Article 13.6)

In around half of the cases to date, despite the efforts made by the DNAs of the exporting Member States to obtain explicit consent, no response is forthcoming from the importing country, in some cases for many months or even years. As a result, exports cannot proceed, despite the fact that often the substances are not banned or severely restricted in the importing countries. The current system thus causes difficulties for exporters and exporting DNAs without necessarily affording greater protection to importing countries. The situation as regards chemicals listed in part 2 of Annex I (chemicals banned or severely restricted in the EC within a Convention use category and thus qualifying for PIC notification but that are not yet PIC chemicals) is particularly problematic.

Against this background, certain limited possibilities for exports to proceed on a temporary basis, while further efforts are made to obtain explicit consent, seem appropriate. It is proposed that, if, despite all reasonable efforts by the exporter's DNA and the Commission, there is no response within 2 months, available documentary evidence from official sources that the chemical is registered, authorised or otherwise allowed for use in the importing country can be regarded as sufficient indication of consent for exports to proceed ad interim pending a response. This would be compatible with the so-called "status quo" provisions of Article 11.2 of the Convention, but would be more restrictive. Moreover registration certificates etc are frequently specific to a given product and supplier so that the scope for exports to proceed would be limited accordingly. Furthermore, it is proposed that if there is no response after 3 months, exports can proceed for a maximum 12 months pending receipt of explicit consent to subsequent exports. It also proposed that where chemicals are being exported to OECD countries the requirement can be waived if certain conditions are fulfilled.

The rules as regards the period of validity of explicit consents obtained would also be clarified. The current provisions imply that consents obtained (unless otherwise qualified by the importing country) are potentially open-ended. However it is proposed that consents obtained, as well as cases where alternative evidence is accepted, should be periodically reviewed.

To further improve and strengthen the functioning of the system, it is also proposed that requests for consent and renewals should be channelled through the Commission (subject to the necessary resources being made available). This would help to prevent the unnecessary overlaps or duplication of effort that sometimes can occur. It may also help to avoid possible misunderstandings and confusion in importing countries, which currently receive export notifications from the Commission and requests for consent from the Member States.

Changes to reinforce and strengthen customs control of exported chemicals while at the same time facilitating trade (Article 17)

In most Member States the customs authorities play a key role in ensuring compliance with the Regulation, in particular as regards controlling exports. In order to meet their specific needs in this regard, several actions are already in hand, as follows.

- classifying chemicals subject to Regulation 304/2003 within the Combined Nomenclature (CN) so that 'warning flags' could be included in the Integrated Tariff of the European Communities (TARIC) against the relevant CN codes that would alert customs officers to the fact that the chemicals concerned are or could be subject to special rules.
- developing a version of the Commission's EDEXIM database (which includes data on export notifications made, explicit consents obtained etc) specifically for customs authorities. This would help them to check whether or not a particular export shipment can be allowed to proceed. To facilitate this, it is planned that there should be unique reference or code numbers generated by the system that would be quoted by exporters in their export declarations. Customs officers would be able if necessary to check these code numbers on EDEXIM to verify compliance. Linked to this initiative, work is also well advanced in providing in TARIC for such codes to be used by exporters in section 44 of the export declaration form (the Single Administrative Document).

Work on the above package of measures is expected to be completed in advance of adoption of the new Regulation. In order for such a system to be fully effective, it is proposed to make

the use of the codes by exporters a requirement in the new Regulation. However there would be a short grace period of three months following entry into force to enable all concerned to become familiarised with the system.

All this would obviate the need for supporting documents to be submitted with export declarations, which would thus help customs control but also reduce the administrative burden on both customs and exporters, thereby facilitating trade.

- Legal basis

In line with the judgment of the Court, the proposed new Regulation is based on Article 133 (relating to the Common Commercial Policy) and Article 175(1) (relating to Environmental Protection) of the Treaty.

- Subsidiarity principle

The proposal does not fall under the exclusive competence of the Community. It fully complies with the principle of subsidiarity since its objectives cannot be achieved by the Member States because a harmonised approach is needed to ensure that the Community, as a Party to the Convention, meets its international obligations.

- Proportionality principle

The proposal complies with the proportionality principle since it is based on experience gained within the existing system. It concentrates on changes only where they are deemed necessary and appropriate for its proper functioning.

The proposal aims to minimise the administrative burden without prejudicing the level of protection afforded to human health and the environment.

- Choice of instrument

Given that the existing legislation to be replaced is in the form of a Regulation, this is the most appropriate instrument.

4. BUDGETARY IMPLICATION

The proposal has no implication for the Community budget, except the need for limited additional staff resources to deal with the work arising from the proposed changes to the Commission role in the explicit consent procedure. (see financial statement attached).

5. ADDITIONAL INFORMATION

- Detailed explanation of the proposal

The proposed Regulation would replace the existing, but most of the provisions would be unchanged and the structure (including the numbering of the Articles) would be the same. The following summarises the main content of the proposed Regulation.

Article 1

This Article outlines the objectives of the Regulation, which are in line with the overall objectives of the Convention.

Article 2

This outlines the scope of the Regulation. The exemptions are broadly in line with those provided for in the Convention, with certain clarifications, taking into account relevant Community legislation.

Article 3

Article 3 sets out the definitions, including those taken from the definitions used in the Convention, adapted as necessary.

A number of definitions in the existing Regulation have been amended as follows:

- A revised definition for 'exporter' has been introduced to address the enforcement problems referred to above.
- The definition of 'preparation' has been revised and the scope of the rules of Articles 7, 9, 13 and 14(1) in relation to preparations clarified.
- The definitions of 'Chemical subject to the PIC procedure', 'Party to the Convention' and 'Party' have been adapted to take account of the entry into force of the Convention.
- The definitions of 'Convention', 'PIC procedure', the 'Conference of the Parties', 'Chemical Review Committee', 'the Secretariat' and 'Decision Guidance Document' are not strictly necessary and are introduced when mentioned for the first time in the operative provisions.

Article 4

The wording of this Article, relating to designated authorities, is in line with the Convention and is essentially unchanged.

Article 5

This Article relates to the Community's participation in the Convention, including the Commission's role as the common designated authority for the Community.

Article 6

This Article defines the chemicals that are subject to export notification, qualify for PIC notification, and are subject to the international PIC procedure.

Article 7

Article 7 sets out the export notification procedure. It applies to all exports of chemicals that are listed in Part 1 of Annex I to the proposed Regulation. The notification must provide the

information laid down in Annex III. The Commission will have the central role in sending notifications to importing countries and there will continue to be a centralised register of notifications on the Commission's EDEXIM database. The only substantive change is, as indicated above, the introduction of unique code numbers for export notifications that are verified as complete, of which exporters will be informed so that these can be quoted in their export declarations.

Article 8

This Article outlines the procedure for handling export notifications from third countries..

Article 9

Article 9 requires annual reporting on the quantities of Annex I chemicals traded.

Article 10

This Article provides that where a chemical qualifies for PIC notification following final Community regulatory action, the Commission shall notify the Convention's Secretariat, providing the information laid down in Annex II.

Member States may notify national regulatory actions compatible with Community law. Following a prior consultation procedure involving all other Member States, these can be submitted to the Convention secretariat via the Commission.

Article 11

This Article provides that when a chemical is banned or severely restricted, but fails to qualify as a candidate for PIC notification under Article 10, the Commission will inform the PIC Secretariat of the relevant regulatory action under the Convention's information exchange provisions.

Article 12

Article 12 deals with obligations in relation to imports of chemicals. It lays down the procedure for handling decision guidance documents for PIC chemicals; and taking Community import decisions for the chemicals concerned.

Article 13

This Article sets out certain obligations in relation to exports other than export notification. There are two main elements.

The first relates mainly to procedures for PIC chemicals (listed in Part 3 of Annex I to the Regulation) and ensuring that the import decisions of importing parties are respected. The basic principle, which goes much further than the Convention, is that such chemicals should not be exported without the explicit consent of the importing country. The same approach is applied to any chemical that is banned or severely restricted within the Community and qualifies for PIC notification but is not a PIC chemical.

For the reasons explained in section 3 above, it is proposed that under certain conditions in cases where the importing country fails to respond, exports may proceed on a limited basis *ad*

interim pending a response. It is also proposed that under certain conditions the requirement can be waived for exports to OECD countries. In addition, it is proposed that the validity of consents obtained and waivers granted should be regularly reviewed. Explicit consent must be sought and received via the DNA in the exporting Member State. However, for the reasons already explained in section 3, it is proposed, subject to the necessary resources being made available, that all requests, including requests for renewals, should be routed through the Commission, which will post the information on EDEXIM.

The second element comprises obligations of a more general nature. For example certain minimum standards are imposed as regards the useful life of exported chemicals, the purity specifications of pesticides and their packaging, storage and stability in order to minimise risks under conditions of use in developing countries.

Article 14

Article 14 extends the export notification procedure laid down in Article 7 to certain articles. It also provides for certain chemicals and articles, the use of which is prohibited in the Community, not to be exported. These chemicals and articles are listed in Annex V.

Article 15

This Article deals with the question of information on transit movements for PIC chemicals. The details of the importing Parties requiring information, and what type of information, will be set out, as they become available, in Annex VI.

Article 16

Article 16 lays down the rules applicable to information to accompany exported chemicals. Without prejudice to the requirements of the importing country, and taking into account relevant international standards, all dangerous chemicals for export should be subject to packaging and labelling and be accompanied by a safety data sheet in accordance with relevant Community legislation. As far as possible the information should be in the principal language(s) of the importing country.

Article 17

Article 17 refers to the role of the Customs Services of the Member States under the proposed Regulation.

It is proposed to strengthen and facilitate control by introducing a requirement that exporters must include special code numbers in their export declarations corresponding to the export notifications they have made and the explicit consents or waivers obtained. Corresponding provisions are included in Articles 7 and 13 providing for such code numbers to be made available to exporters for such use.

Article 18

This Article is a standard provision for penalties in the event of infringements.

Article 19

Article 19 reflects the provisions of the Convention relating to information exchange, but extends these arrangements to all countries. It also defines what kinds of information shall not be regarded as confidential for these purposes.

Article 20

This Article concerns technical assistance to developing countries and countries with economies in transition.

Article 21

Article 21 deals with monitoring and reporting within the Community on the operation of the proposed Regulation.

Article 22

Article 22 sets out the procedures to be followed for updating all annexes. In the light of the recent changes to the procedures for the exercise of implementing powers conferred on the Commission⁷, the current regulatory procedure for additions to Annex I has been changed to a regulatory procedure with scrutiny. It is proposed that inclusion of POPs chemicals in Annex V should be subject to the same procedure.

Article 23

This Article provides that technical guidance documents will be drawn up to help in implementation. There have been similar documents under the existing Regulation. The documents to be developed will include guidance for the authorities involved in controlling exports and imports such as customs authorities.

Article 24

This Article outlines the committee procedures to be followed, using the committee established by Article 29 of Council Directive 67/548/EEC. These provisions also have been adapted in line with the revised procedures for the exercise of implementing powers conferred on the Commission referred to above.

Articles 25 and 26

These two Articles relate respectively to references to Regulation (EC) No 304/2003 in other legislation; and entry into force of the proposed new Regulation. A short transitional period of 3 months is foreseen before entry into force of the Article 17 provisions relating to the mandatory use of code numbers in export declarations.

⁷ Council decision 1999/468/EC as amended by Decision 2006/512/Ec (OJ L200, 22.7.2006, p.11)

Annexes

Annex I to the Regulation lists the chemicals subject to the different procedures and is based on that contained in Regulation (EC) No 304/2003 as amended by Commission Regulations 1213/2003, 775/2004 and 777/2006.

Annex II sets out the information that must be submitted by when the Commission notifies final Community regulatory action pursuant to Article 10.

Annex III lists the information that by an exporter must submit in an export notification pursuant to Article 7. Certain clarifications have been introduced.

Annex IV sets out the information to be provided pursuant to Article 9 about trade in chemicals listed in Annex I. The scope of the quantities to be reported has been clarified

Annex V lists the chemicals and articles that shall not be exported in accordance with Article 14(2).

Annex VI lists parties requiring information on transit movement of PIC chemicals (Article 15 refers).

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

concerning the export and import of dangerous chemicals

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 133 and Article 175(1), thereof,

Having regard to the proposal from the Commission⁸,

Having regard to the Opinion of the European Economic and Social Committee⁹,

Having consulted the Committee of the Regions,

Acting in accordance with the procedure laid down in Article 251 of the Treaty¹⁰,

Whereas:

- (1) Regulation (EC) No 304/2003 of the European Parliament and of the Council of 28 January 2003 concerning the export and import of dangerous chemicals¹¹ implemented the Rotterdam Convention on the prior informed consent procedure for certain hazardous chemicals and pesticides in international trade, hereinafter “the Convention”, which entered into force on 24 February 2004, and replaced Council Regulation (EEC) No 2455/92 of 23 July 1992 concerning the export and import of certain dangerous chemicals¹².
- (2) In its judgment of 10 January 2006 in case C-178/03 (Commission v. Parliament and Council)¹³, the Court of Justice of the European Communities annulled Regulation (EC) No 304/2003 as it was based solely on Article 175(1) of the Treaty, ruling that both Articles 133 and 175(1) were the appropriate legal bases. However the Court also ruled that the effects of the Regulation were maintained until the adoption, within a reasonable period, of a new Regulation founded on appropriate legal bases. That also implies that obligations that were fulfilled under Regulation (EC) No 304/2003 already do not need to be accomplished again.
- (3) In accordance with Article 21 of Regulation (EC) No 304/2003, the Commission has submitted a report to the European Parliament and the Council on the operation of

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¹¹ OJ L 63, 6.3.2003, p. 1 Regulation as last amended by Commission Regulation (EC) No 777/2006 (OJ L 136, 24.5.2006, p. 9).

¹² OJ L 251, 29.8.1992, p. 13. Regulation as last amended by Commission Regulation (EC) No 300/2002 (OJ L 52, 22.2.2002p.1)

¹³ Not yet reported

Regulation (EC) No 304/2003 to date¹⁴. Overall the procedures have worked well. However the report identifies a number of technical amendments that appear to be necessary. It is therefore appropriate to integrate those aspects in this Regulation.

- (4) It is necessary and appropriate, in order not to weaken the level of protection afforded to the environment and to the general public of importing countries under Regulation (EEC) No 2455/92, to go further than the provisions of the Convention in certain respects, Article 15(4) of the Convention allowing Parties the right to take action that is more stringently protective of human health and the environment than that called for in the Convention, provided that such action is consistent with the provisions of the Convention and is in accordance with international law.
- (5) As regards the participation of the Community in the Convention, it is essential to have a single contact point for Community interaction with the Secretariat and other Parties to the Convention as well as with other countries. The Commission should act as this contact point.
- (6) Exports of dangerous chemicals that are banned or severely restricted within the Community should continue to be subject to a common export notification procedure. Accordingly, dangerous chemicals, whether in the form of a substance by itself or in a preparation, which have been banned or severely restricted by the Community as plant protection products, as other forms of pesticides, or as industrial chemicals for use by professional users or by the public, should be subject to similar export notification rules to those applicable to such chemicals when they are banned or severely restricted within either or both of the use categories laid down in the Convention, namely as pesticides or chemicals for industrial use. In addition, chemicals subject to the international PIC procedure should also be subject to the same rules. This export notification procedure should apply to Community exports to all third countries, whether or not they are Parties to the Convention or participate in its procedures. Member States should be permitted to charge administrative fees, in order to cover their costs in carrying out this procedure.
- (7) Exporters and importers should be obliged to provide information about the quantities of chemicals in international trade covered by this Regulation in order that the impact and effectiveness of the arrangements laid down therein can be monitored and assessed.
- (8) Notifications to the Secretariat of the Convention of Community or Member State regulatory actions banning or severely restricting chemicals, with a view to their inclusion in the international PIC procedure, should be submitted by the Commission and should relate to those cases meeting the criteria laid down in the Convention in this regard. Additional information to support such notifications should be sought where necessary.
- (9) In cases where Community or Member State regulatory actions do not qualify for notification because they do not meet the criteria, information about the actions should nevertheless be conveyed to the Convention Secretariat and other Parties to the Convention in the interests of information exchange.
- (10) It is also necessary to ensure that the Community takes decisions with regard to the import into the Community of chemicals that are subject to the international PIC procedure. These decisions should be based on applicable Community legislation and take into account bans

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or severe restrictions by Member States. Where justified, modifications of Community legislation should be prepared.

- (11) Arrangements are needed to ensure that Member States and exporters are aware of the decisions of importing countries as regards chemicals that are subject to the international PIC procedure, and that exporters comply with these decisions. Furthermore, in order to prevent undesired exports of chemicals banned or severely restricted within the Community that meet the Convention criteria or that are covered under the international PIC procedure should be exported unless the explicit consent of the importing country concerned has been sought and obtained, whether or not that country is a Party to the Convention. At the same time, a waiver from this obligation is appropriate in relation to exports of certain chemicals to OECD countries provided that certain conditions are met. Furthermore a procedure is needed to deal with cases where despite all reasonable efforts, no response is obtained from the importing country so that exports may proceed on a temporary basis. It is also necessary to provide for periodic review of all such cases as well those where explicit consent is obtained.
- (12) It is also important that all exported chemicals have an adequate shelf-life so that they may be used effectively and safely. In particular as regards pesticides, and especially those exported to developing countries, it is essential that information about appropriate storage conditions is provided and that suitable packaging and sizes of containers are used to avoid creating obsolete stocks.
- (13) Articles containing chemicals do not fall within the scope of the Convention. Nevertheless, it seems appropriate that articles containing chemicals that could be released under conditions of use or disposal and that are banned or severely restricted in the Community within one or more of the use categories laid down in the Convention or are subject to the international PIC procedure should also be subject to the export notification rules. Furthermore, certain chemicals and articles containing specific chemicals falling outside the scope of the Convention but giving rise to particular concern should not be exported at all.
- (14) In accordance with the Convention, information on transit movements of chemicals subject to the international PIC procedure should be provided to Parties to the Convention requesting such information.
- (15) Community rules on packaging and labelling and other safety information should apply to all dangerous chemicals when intended for export to Parties and other countries unless these provisions would conflict with any specific requirements of those countries taking into account relevant international standards.
- (16) In order to ensure effective control and enforcement of the rules, the Member States should designate authorities such as customs authorities that should have the responsibility of controlling imports and exports of chemicals covered by this Regulation. The Commission and the Member States have a key role to play and should act in a targeted and coordinated way. Member States should provide for appropriate sanctions in the event of infringements. To facilitate customs control, and to reduce the administrative burden for both exporters and authorities, a system of codes confirming compliance with the rules to be used in export declarations is established. In order to allow all parties time to become accustomed to this system before it becomes mandatory a short transitional period is proposed.
- (17) Information exchange, shared responsibility and cooperative efforts between the Community and its Member States and third countries should be promoted with a view to ensuring sound

management of chemicals, whether or not those third countries are Parties to the Convention. In particular, technical assistance to developing countries and countries with economies in transition should be provided directly by the Commission and the Member States, or indirectly via support for projects by non-governmental organisations (NGOs), especially assistance seeking to enable those countries to implement the Convention.

- (18) There should be regular monitoring of the operation of the procedures if they are to be effective. To this end, Member States should regularly submit reports to the Commission, which will in turn regularly report to the European Parliament and the Council.
- (19) Technical notes for guidance should be drawn up to assist the competent authorities, including those such as customs controlling exports, in the application of the Regulation.
- (20) The measures necessary for the implementation of this Regulation should be adopted in accordance with Council Decision 1999/468/EC of 28 June 1999 laying down the procedures for the exercise of implementing powers conferred on the Commission¹⁵,
- (21) In particular power should be conferred on the Commission to adopt measures to add further chemicals to Annex I and chemicals subject to Regulation (EC) No 850/2004 of the European Parliament and of the Council¹⁶ to Annex V. Since those measures are of general scope and are designed to supplement this Regulation by the addition of new non-essential elements, they should be adopted in accordance with the regulatory procedure with scrutiny provided for in Article 5a of Decision 1999/468/EC,

HAVE ADOPTED THIS REGULATION:

Article 1
Objectives

1. The objectives of this Regulation are the following:
 - (a) to implement the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, hereinafter “the Convention”;
 - (b) to promote shared responsibility and cooperative efforts in the international movement of hazardous chemicals in order to protect human health and the environment from potential harm;
 - (c) to contribute to their environmentally sound use.

They shall be achieved by facilitating information exchange about the characteristics of such chemicals, by providing for a decision-making process within the Community on their import and export and by disseminating decisions to Parties and other countries as appropriate.

¹⁵ OJ L 184, 17.7.1999, p. 23, Decision as amended by Decision 2006/512/EC (OJ L 200, 22.7.2006, p.11).

¹⁶ OJ L 158, 30.4.2004, p.7

2. In addition to the objectives referred to in paragraph 1, this Regulation shall ensure that the provisions of Council Directive 67/548/EEC¹⁷, and of Directive 1999/45/EC of the European Parliament and of the Council¹⁸, regarding the classification, packaging and labelling of chemicals dangerous to man or to the environment when they are placed on the market in the Community also apply to all such chemicals when they are exported from the Member States to other parties or other countries, unless these provisions would conflict with any specific requirements of those parties or other countries.

Article 2 *Scope*

1. This Regulation shall apply to the following:
- (a) certain hazardous chemicals that are subject to the prior informed consent procedure under the Convention, hereinafter "the PIC procedure";
 - (b) certain hazardous chemicals that are banned or severely restricted within the Community or a Member State;
 - (c) chemicals when exported insofar as their classification, packaging and labelling are concerned.
2. This Regulation shall not apply to any of the following:
- (a) narcotic drugs and psychotropic substances covered by Council Regulation (EC) No 111/2005¹⁹;
 - (b) radioactive materials and substances covered by Council Directive 96/29/Euratom²⁰;
 - (c) wastes covered by Directive 2006/12/EC of the European Parliament and of the Council²¹ and Council Directive 91/689/EEC²²;
 - (d) chemical weapons covered by Council Regulation (EC) No 1334/2000²³;
 - (e) food and food additives covered Regulation (EC) No 882/2004 of the European Parliament and of the Council²⁴;
 - (f) feedingstuffs covered by Regulation (EC) No 178/2002 of the European Parliament and of the Council²⁵ including additives, whether processed, partially processed or unprocessed, intended to be used for oral feeding to animals;
 - (g) genetically modified organisms as covered by Directive 2001/18/EC of the European Parliament and of the Council²⁶;

¹⁷ OJ L 196, 16.8.1967, p. 1..

¹⁸ OJ L 200, 30.7.1999, p. 1..

¹⁹ OJ L 22, 26.1.2005, p. 1.

²⁰ OJ L 159, 29.6.1996, p. 1.

²¹ OJ L 165, 30.4.2004, p. 1.

²² OJ L 377, 31.12.1991, p. 20.

²³ OJ L 159, 30.6.2000, p. 1.

²⁴ OJ L 186, 30.6.1989, p. 23.

²⁵ OJ L 31, 1.2.2002, p. 1.

- (h) save to the extent covered by Article 3(4)(b) of this Regulation, proprietary medicinal products and veterinary medicinal products covered by Directive 2001/83/EC of the European Parliament and of the Council²⁷ and Directive 2001/82/EC of the European Parliament and of the Council²⁸;
- (i) chemicals in quantities not likely to affect health or the environment, and in any event not more than 10 kg, provided that they are imported for the purpose of research or analysis.

Article 3 *Definitions*

For the purposes of this Regulation, the following definitions shall apply:

- (1) "chemical" means a substance as defined in Directive 67/548/EEC, whether by itself or in a preparation, or a preparation, whether manufactured or obtained from nature, but does not include living organisms, which belongs to either of the following categories:
 - (a) pesticides, including severely hazardous pesticide formulations;
 - (b) industrial chemicals;
- (2) "preparation" means a mixture or a solution composed of two or more substances;
- (3) "article" means a finished product containing or including a chemical, the use of which has been banned or severely restricted by Community legislation in that particular product;
- (4) "pesticides" means chemicals in either of the following sub-categories:
 - (a) pesticides used as plant protection products as covered by Council Directive 91/414/EEC²⁹ ;
 - (b) other pesticides, such as biocidal products under Directive 98/8/EC of the European Parliament and of the Council³⁰ and such as disinfectants, insecticides and parasiticides under Directive 2001/82/EC and Directive 2001/83/EC;
- (5) "industrial chemicals" means chemicals in either of the following sub-categories:
 - (a) chemicals for use by professionals;
 - (b) chemicals for use by the public;

²⁶ OJ L 106, 17.4.2001, p. 1.

²⁷ OJ L 311, 28.11.2001, p. 67.

²⁸ OJ L 311, 28.11.2001, p. 1.

²⁹ OJ L 230, 19.8.1991, p. 1.

³⁰ OJ L 123, 24.4.1998, p. 1.

- (6) "chemical subject to export notification" means any chemical that is banned or severely restricted within the Community within one or more categories or sub-categories, and any chemical that is subject to the PIC procedure listed in Part 1 of Annex I;
- (7) "chemical qualifying for PIC notification" means any chemical that is banned or severely restricted within the Community or a Member State within one or more categories. Chemicals banned or severely restricted in the Community within one or more categories are listed in Part 2 of Annex I;
- (8) "chemical subject to the PIC procedure" means any chemical listed in Annex III to the Convention and in Part 3 of Annex I to this Regulation;
- (9) "banned chemical" means either of the following:
 - (a) a chemical all uses of which within one or more categories or sub-categories have been prohibited by final regulatory action by the Community, in order to protect human health or the environment;
 - (b) a chemical that has been refused approval for first-time use or has been withdrawn by industry either from the Community market or from further consideration in a notification, registration or approval process and where there is evidence that the chemical raises concerns for human health or the environment;
- (10) "severely restricted chemical" means either of the following:
 - (a) a chemical, virtually all use of which within one or more categories or sub-categories has been prohibited by final regulatory action in order to protect human health or the environment, but for which certain specific uses remain allowed;
 - (b) a chemical that has, for virtually all use, been refused for approval or been withdrawn by industry either from the Community market or from further consideration in a notification, registration or approval process, and where there is evidence that the chemical raises concern for human health or the environment;
- (11) "chemical banned or severely restricted by a Member State" means any chemical that is banned or severely restricted by national regulatory action of a Member State;
- (12) "final regulatory action" means a legislative act, the purpose of which is to ban or severely restrict a chemical;
- (13) "severely hazardous pesticide formulation" means a chemical formulated for use as a pesticide that produces severe health or environmental effects observable within a short period of time after single or multiple exposure, under conditions of use;
- (14) "export" means the following:
 - (a) the permanent or temporary export of a chemical meeting the conditions of Article 23(2) of the Treaty;

- (b) the re-export of a chemical not meeting the conditions of Article 23(2) of the Treaty which is placed under a customs procedure other than transit procedure;
- (15) "import" means the physical introduction into the customs territory of the Community of a chemical that is placed under a customs procedure other than transit procedure;
- (16) "exporter" means any of the following persons, whether natural or legal:
 - (a) the person on whose behalf an export declaration is made, that is to say the person who, at the time when the declaration is accepted, holds the contract with the consignee in a Party or other country and has the power for determining the sending of the chemical out of the customs territory of the Community;
 - (b) where no export contract has been concluded or where the holder of the contract does not act on its own behalf, the person who has the power for determining the sending of the chemical out of the customs territory of the Community;
 - (c) where the benefit of a right to dispose of the chemical belongs to a person established outside the Community pursuant to the contract on which the export is based, the contracting party established in the Community;
- (17) "importer" means any natural or legal person who at the time of import into the customs territory of the Community is the consignee for the chemical;
- (18) "Party to the Convention" or "Party" means a State or a Regional economic integration organisation that has consented to be bound by the Convention and for which the Convention is in force;
- (19) "other country" means any country that is not a Party;

Article 4
Designated National Authorities

Each Member State shall designate the authority or authorities, hereinafter the "Designated National Authority" or "Designated National Authorities", to act for the performance of the administrative functions required by this Regulation.

It shall inform the Commission of such designation at the latest three months after the entry into force of this Regulation.

Article 5
Participation of the Community in the Convention

1. The participation of the Community in the Convention shall be a joint responsibility of the Commission and the Member States in particular for technical assistance, information exchange and matters relating to dispute settlement, participation in subsidiary bodies and voting.

2. As far as the participation of the Community in the Convention is concerned, for the administrative functions of the Convention with reference to the PIC procedure and the export notification, the Commission shall act as a common designated authority on behalf of all the Designated National Authorities in close cooperation and consultation with the Designated National Authorities of the Member States.

The Commission shall in particular, be responsible for the following:

- (a) the transmission of Community export notifications to Parties and other countries pursuant to Article 7;
- (b) the submission to the Secretariat of the Convention, hereinafter “the Secretariat”, of notifications of relevant final regulatory actions pursuant to Article 10;
- (c) the transmission of information about other final regulatory actions not qualifying for PIC notification in accordance with Article 11;
- (d) the receiving of information from the Secretariat more generally.

The Commission shall also provide the Secretariat with Community import responses for chemicals subject to the PIC procedure pursuant to Article 12.

In addition, the Commission shall coordinate the Community input on all technical issues related to any of the following:

- (a) the Convention;
- (b) the preparation of the Conference of the Parties established by Article 18 of the Convention, hereinafter “the Conference of the Parties”;
- (c) the Chemical Review Committee established in accordance with Article 18(6) of the Convention, hereinafter “the Chemical Review Committee”;
- (d) other subsidiary bodies.

A network of Member State rapporteurs shall be established, as appropriate, to deal with the preparation of technical documents such as Decision Guidance Documents as referred to in Article 7(3) of the Convention, hereinafter “Decision Guidance Document” .

3. The Commission and the Member States shall take the necessary initiatives to ensure appropriate representation of the Community in the various bodies implementing the Convention.

Article 6

Chemicals subject to export notification, qualifying for PIC notification, and subject to the PIC procedure

1. The chemicals covered by the provisions of this Regulation relating to export notification, PIC notification and the PIC procedure respectively shall be as listed in Annex I.
2. Chemicals in Annex I shall be assignable to one or more of three groups of chemicals, set out respectively as Parts 1, 2 and 3 of Annex I.

The chemicals listed in Part 1 of that Annex shall be subject to export notification as laid down in Article 7, with detailed information being given on the identity of the substance, on the use category and/or sub-category subject to restriction, the type of restriction and, where appropriate, additional information, in particular on exemptions to requirements for export notification.

The chemicals listed in Part 2 of that Annex shall, in addition to being subject to the export notification procedure under Article 7, qualify for the PIC notification procedure laid down in Article 10, with detailed information being given on the identity of the substance and on the use category.

The chemicals listed in Part 3 of that Annex shall be subject to the PIC procedure with the use category being given and, where appropriate, additional information, in particular on any requirements for export notification.

3. The lists referred to in paragraph 2 shall be made available to the public by electronic means.

Article 7

Export Notifications forwarded to Parties and other countries

1. In the case of substances listed in Part 1 of Annex I or preparations containing such substances in a concentration that could trigger labelling obligations under Directive 1999/45/EC irrespective of the presence of any other substances, paragraphs 2 to 8 shall apply.
2. When an exporter is due to export a chemical as referred to in paragraph 1 from the Community to a Party or other country for the first time following the date as from which it becomes subject to this Regulation, the exporter shall notify the Designated National Authority of the Member State in which he is established, no later than 30 days before the export of the chemical is due to take place. Thereafter the exporter shall notify the first export of such chemical each calendar year to the Designated National Authority no later than 15 days before the export takes place. The notification shall comply with the requirements set out in Annex III.

The Designated National Authority shall check compliance of the information with Annex III and promptly forward the notification received from the exporter to the Commission.

The Commission shall take the necessary measures to ensure that the appropriate authorities of the importing Party or other country receive notification no later than 15 days prior to the first intended export of the chemical and thereafter before the first export in any subsequent calendar year. This shall apply regardless of the expected use of the chemical in the importing Party or other country.

Each export notification shall be registered and assigned a reference number in a database at the Commission and an updated list of the chemicals concerned and the importing Parties and other countries for each calendar year shall be kept available to the public, and distributed to the Designated National Authorities of the Member States as appropriate.

3. If the Commission does not receive from the importing Party or other country an acknowledgement of receipt of the first export notification made after the chemical is

included in the Part 1 of Annex I within 30 days of the dispatch of the notification, it shall submit a second notification. The Commission shall make reasonable efforts to ensure that the appropriate authority in the importing Party or other country receives the second notification.

4. A new export notification as provided for in paragraph 2 shall be given for exports which take place subsequent to changes to Community legislation concerning the marketing, use or labelling of substances in question or whenever the composition of the preparation in question changes so that the labelling of such preparation is altered. The new notification shall comply with the requirements set out in Annex III and shall indicate that it is a revision of a previous notification.
5. Where the export of a chemical relates to an emergency situation in which any delay may endanger public health or the environment in the importing Party or other country, the requirements of paragraphs 2, 3 and 4 may be waived wholly or partly at the discretion of the Designated National Authority of the exporting Member State, in consultation with the Commission.
6. The obligations set out in paragraphs 2, 3 and 4 shall cease when the following conditions are fulfilled:
 - (a) the chemical has become a chemical subject to the PIC procedure;
 - (b) the importing country being a Party to the Convention has provided a response in accordance with Article 10(2) of the Convention to the Secretariat whether to consent or not to consent to import of the chemical;
 - (c) the Commission has been informed about the response by the Secretariat and has forwarded that information to Member States.

The first subparagraph shall not apply where the importing country being Party to the Convention explicitly requires continued export notification by exporting Parties, for example through its import decision or otherwise.

The obligations set out in paragraphs 2, 3 and 4 shall also cease when the following conditions are fulfilled:

- (a) the appropriate authority of the importing Party or other country has waived the requirement to be notified before the export of the chemical;
 - (b) the Commission has received the information from the Secretariat or from the appropriate authority of the importing Party or other country and has forwarded it to Member States and made it available on the Internet.
7. The Commission, the relevant Designated National Authorities of the Member States and the exporters shall provide importing Parties and other countries with available additional information on the exported chemicals, when requested.
 8. Member States may establish systems obliging the exporter to pay an administrative fee for each export notification made, corresponding to their costs in carrying out the procedures set out in paragraphs 2, 3 and 4.

Article 8
Export Notifications received from Parties and other countries

1. Export notifications received by the Commission from the Designated National Authority of a Party or another country concerning the export to the Community of a chemical the manufacture, use, handling, consumption, transport or sale of which is subject to prohibition or severe restriction under that Party's or other country's legislation shall be made available by electronic means through the database maintained by the Commission.

The Commission shall acknowledge receipt of the first export notification received for each chemical from each Party or other country.

The Designated National Authority of the Member State receiving that import shall receive a copy of any notification received together with all available information. Other Member States shall be entitled to receive copies on request.

2. Should the Designated National Authorities of the Member States receive any export notifications either directly or indirectly from the Designated National Authorities of Parties or relevant authorities of other countries, they shall immediately forward those notifications to the Commission together with all available information.

Article 9
Information on trade in chemicals

1. Each exporter of substances listed in Annex I or preparations containing such substances in a concentration that could trigger labelling obligations under Directive 1999/45/EC irrespective of the presence of any other substances shall, during the first quarter of each year, inform the Designated National Authority of its Member State on the quantity of the chemical, as a substance and as contained in preparations, shipped to each Party or other country during the preceding year. That information shall be given together with a list of the names and addresses of each importer to which shipment took place during the same period.

Each importer within the Community shall provide the same information for the quantities imported into the Community.

2. Upon request from the Commission or the Designated National Authority, the exporter or importer shall provide any additional information relating to chemicals that is necessary to implement this Regulation.
3. Each Member State shall provide the Commission each year with aggregated information in accordance with Annex IV. The Commission shall summarise this information at Community level and shall make the non-confidential information publicly available on its database via the Internet.

Article 10
Participation in the notification of banned or severely restricted chemicals under the Convention

1. The Commission shall notify the Secretariat in writing of the chemicals that qualify for PIC notification.

2. Where further chemicals qualify for PIC notification and are added to Part 2 of Annex I, the Commission shall notify the Secretariat. The notification shall be submitted as soon as possible after adoption of the relevant final Community regulatory action banning or severely restricting the chemical, and no later than ninety days after the date on which the final regulatory action is required to be applied.
3. The notification shall provide all relevant information as required in Annex II.
4. In determining priorities for notifications, the Commission shall take into account whether the chemical is already listed in Part 3 of Annex I, the extent to which the information requirements laid down in Annex II can be met, and the severity of the risks presented by the chemical, in particular for developing countries.

When a chemical qualifies for PIC notification, but the information is insufficient to meet the requirements of Annex II, identified exporters or importers shall, upon request by the Commission, provide all relevant information available to them, including that from other national or international chemical control programmes.

5. The Commission shall notify the Secretariat in writing when a final regulatory action notified under paragraphs 1 or 2 is amended as soon as possible after adoption of the new final regulatory action, and no later than 60 days after the date on which the new final regulatory action is required to be applied.

It shall provide all relevant information that was not available at the time when the initial notification was made under paragraphs 1 or 2 respectively.

6. Upon request from any Party or from the Secretariat, the Commission shall provide additional information on the chemical or on the regulatory action, as far as practicable.

The Member States shall, upon request, assist the Commission as necessary in compiling the information.

7. The Commission shall forward immediately to the Member States information that it receives from the Secretariat regarding chemicals notified as banned or severely restricted by other Parties.

Where appropriate the Commission shall evaluate, in close cooperation with the Member States, the need to propose measures at Community level in order to prevent any unacceptable risks for human health and the environment within the Community.

8. Where a Member State takes national regulatory action in accordance with the relevant Community legislation to ban or severely restrict a chemical, it shall provide the Commission with relevant information. The Commission shall make that information available to the Member States. Within four weeks Member States may send comments on a possible PIC notification, including in particular relevant information about their national regulatory position in respect of the chemical, to the Commission and the Member State, which submitted a national regulatory action. After consideration of the comments the submitting Member State informs the Commission whether the latter shall:

- notify the Secretariat, pursuant to this Article; or
- provide the information to the Secretariat, pursuant to Article 11.

Article 11

Information to be transmitted to the Secretariat about banned or severely restricted chemicals not qualifying for PIC notification

When a chemical is listed only in Part 1 of Annex I or following receipt of information from a Member State for the purposes of Article 10(8) second indent the Commission shall provide the Secretariat with information about the relevant regulatory actions, so that this information can be disseminated to other Parties to the Convention as appropriate.

Article 12

Obligations in relation to imports of chemicals

1. The Commission shall forward immediately to the Member States any Decision Guidance Documents which it receives from the Secretariat.

The Commission shall, in accordance with the advisory procedure referred to in Article 24(2), take an import decision, in the form of a final or interim import response on behalf of the Community, concerning the future import of the chemical concerned. . It shall then communicate the decision to the Secretariat as soon as possible, and no later than nine months after the date of dispatch of the Decision Guidance Document by the Secretariat.

Where a chemical is subject to additional or amended restrictions under Community legislation, the Commission shall revise the import decision in accordance with the advisory procedure referred to in Article 24(2) and communicate the revised import decision to the Secretariat.

2. In the case of a chemical banned or severely restricted by the legislation of one or more Member States, the Commission shall, at the written request of the Member States concerned, take the information into account in its import decision.
3. An import decision under paragraph 1 shall relate to the category or categories specified for the chemical in the Decision Guidance Document.
4. When communicating the import decision to the Secretariat, the Commission shall provide a description of the legislative or administrative measure upon which it is based.
5. Each Designated National Authority within the Community shall make the import decisions under paragraph 1 available to those concerned within its competence, in accordance with its legislative or administrative measures.
6. Where appropriate, the Commission shall evaluate, in close cooperation with the Member States, the need to propose measures at Community level in order to prevent any unacceptable risks for human health and the environment within the Community, taking into account the information contained in the Decision Guidance Document.

Article 13

Obligations in relation to exports of chemicals other than export notification requirements

1. The Commission shall forward immediately to the Member States and European industry associations information which it receives, whether in the form of circulars or otherwise, from the Secretariat regarding chemicals subject to the PIC procedure and the decisions of

importing Parties regarding import conditions on these chemicals. It shall also forward immediately to the Member States information on any cases of failure to transmit a response. The Commission shall keep all information regarding import decisions, which will each be assigned a reference number, available in its database, which will be publicly available on the Internet, and provide anyone with the information upon request.

2. For each chemical listed in Annex I the Commission shall assign a classification in the European Community's Combined Nomenclature. These classifications shall be revised as necessary in the light of any changes made in the World Customs Organisation's Harmonised System nomenclature or in the European Community's Combined Nomenclature for the chemicals concerned.
3. Each Member State shall communicate the responses forwarded by the Commission under paragraph 1 to those concerned within its jurisdiction.
4. Exporters shall comply with decisions in each import response no later than six months after the Secretariat has first informed the Commission of such response under paragraph 1.
5. The Commission and the Member States shall advise and assist importing Parties, upon request and as appropriate, to obtain further information to help them to make a response to the Secretariat concerning import of a given chemical.
6. Substances listed in the Parts 2 or 3 of Annex I or preparations containing such substances in a concentration that could trigger labelling obligations under Directive 1999/45/EC irrespective of the presence of any other substances shall not be exported unless either of the following conditions is fulfilled:
 - (a) explicit consent to the import into the third country concerned has been sought and received by the exporter through his Designated National Authority via the Commission and the Designated National Authority of the importing Party or an appropriate authority in an importing other country;
 - (b) in the case of chemicals listed in Part 3 of Annex I, the latest circular issued by the Secretariat pursuant to paragraph 1 indicates that the importing Party has given consent to import.

In the case of chemicals listed in part 2 of Annex I that are for export to OECD countries, the Designated National Authority of the exporter may, in consultation with the Commission, decide that no explicit consent is required if the chemical, at the time of importation into the OECD country concerned, is licensed, registered or authorised or that it has recently been used in, or imported into, that OECD country and no regulatory action has been taken to prohibit its use.

Where explicit consent has been sought pursuant to point (a), if the Commission or the Designated National Authority of the exporter has not received a response to its request within 30 days, the Commission shall send a reminder. Where appropriate, if there is still no response within a further 30 days, the Commission may send further reminders as necessary.

7. The Designated National Authority of the exporter may, in consultation with the Commission, decide that the export may proceed if, after all reasonable efforts, no

response to a request for explicit consent pursuant to paragraph 6(a) has been received within either of the following time-limits:

- (a) 60 days, where there is evidence from official sources in the importing Party or importing other country that the chemical, at the time of importation, is licensed, registered or authorised or that it has recently been used in, or imported into, the importing Party or importing other country and no regulatory action has been taken to prohibit its use;
- (b) 90 days, in all other cases.

8. The validity of each explicit consent obtained pursuant to paragraph 6(a) or waiver granted pursuant to paragraph 7 shall be subject to periodic review by the Commission in consultation with the Member States concerned as follows:

- (a) for each explicit consent obtained pursuant to paragraph 6(a) a new explicit consent shall be required by the end of the third calendar year after the consent was given, unless the terms of that consent require otherwise;
- (b) unless a response to a request has been received in the meantime, each waiver granted pursuant to paragraph 7(a) shall be for a maximum period of two calendar years, upon expiry of which explicit consent shall be required;
- (c) unless a response to a request has been received in the meantime, each waiver granted pursuant to paragraph 7(b) shall be for a maximum period of 12 months, upon expiry of which explicit consent shall be required.

In the cases referred to in points (a) and (b), exports may however continue beyond the expiry of the relevant period pending a response to a new request for explicit consent.

In the case referred to in point (c), exports may not continue beyond the expiry of the relevant period unless explicit consent is obtained or the conditions of paragraph 7(a) are met following a new request for explicit consent.

All new requests shall be channelled through the Commission.

9. The Commission shall register all requests for explicit consent, responses obtained and waivers granted in its database. Each explicit consent obtained or waived shall be assigned a reference number and will be listed with all relevant information about any conditions attached, validity dates, etc. The non-confidential information shall be publicly available on the Internet.

10. No chemical shall be exported later than six months before its expiry date, when such a date exists or can be inferred from the production date, unless the intrinsic properties of the chemical render this impracticable. In particular, in the case of pesticides exporters shall ensure that the size and packaging of pesticide containers is optimised so as to minimise the risks of creating obsolete stocks.

11. When exporting pesticides, exporters shall ensure that the label contains specific information about storage conditions and storage stability under the climatic conditions of the importing Party or other country. In addition, they shall ensure that the exported pesticides comply with the purity specification established by Community legislation.

Article 14

Controls on export of certain chemicals and articles containing chemicals

1. Articles containing substances listed in Parts 2 or 3 of Annex I in unreacted form or preparations containing such substances in a concentration that could trigger labelling obligations under Directive 1999/45/EC irrespective of the presence of any other substances, shall be subject to the export notification procedure laid down in Article 7.
2. Chemicals and articles the use of which is prohibited in the Community for the protection of human health or the environment, as listed in Annex V, shall not be exported.

Article 15

Information on transit movements

1. Parties to the Convention requiring information on transit movements of chemicals subject to the PIC procedure, together with the information requested by each Party to the Convention through the Secretariat, shall be as listed in Annex VI.
2. When a chemical listed in Part 3 of Annex I is transported through the territory of a Party to the Convention listed in Annex VI, the exporter shall, as far as practicable, provide the Designated National Authority of the Member State in which he is established with the information required by the Party to the Convention in accordance with Annex VI no later than thirty days before the first transit takes place and no later than eight days before each subsequent transit movement.
3. The Designated National Authority of the Member State shall forward to the Commission the information received from the exporter under paragraph 2 together with any available additional information.
4. The Commission shall forward the information received under paragraph 3 to the Designated National Authorities of Parties to the Convention which requested such information, together with any available additional information, no later than fifteen days before first transit movement and prior to any subsequent transit movement.

Article 16

Information to accompany exported chemicals

1. Chemicals that are intended for export shall be subject to the measures on packaging and labelling established in, or pursuant to, Directive 67/548/EEC, Directive 1999/45/EC, Directive 91/414/EEC and Directive 98/8/EC, or any other specific Community legislation.

The first subparagraph shall be without prejudice to any specific requirements of the importing Party or other country taking into account relevant international standards.
2. Where appropriate, the expiry date and the production date of chemicals referred to in paragraph 1 or listed in Annex I shall be indicated on the label, and if necessary such expiry dates shall be given for different climate zones.

3. A safety data sheet in accordance with Commission Directive 91/155/EEC³¹ shall accompany chemicals referred to in paragraph 1, when exported. The exporter shall send such a safety data sheet to each importer.
4. The information on the label and on the safety data sheet shall as far as practicable be given in the official languages, or in one or more of the principal languages, of the country of destination or of the area of intended use.

Article 17

Obligations of the authorities of the Member States for controlling import and export

1. Each Member State shall designate authorities such as customs authorities that shall have the responsibility of controlling the import and export of chemicals listed in Annex I.

The Commission and the Member States shall act in a targeted and coordinated way in controlling compliance of exporters with this Regulation.

Each Member State shall, in its regular reports on the operation of procedures pursuant to Article 21(1), include details of the activities of its authorities in this regard.

2. Exporters shall provide in box 44 of the Single Administrative Documents setting out their export declarations the applicable reference numbers referred to in Articles 7(2) or 13(1) or 13(9) as appropriate confirming compliance with the obligations to which they relate.

Article 18

Penalties

Member States shall determine the penalties applicable to infringements of the provisions of this Regulation and take all necessary measures to ensure correct implementation of these provisions. The penalties must be effective, proportional and dissuasive. If they have not already done so prior to adoption of this Regulation, Member States shall notify these measures to the Commission not later than twelve months after the adoption. They shall also notify any further modifications as soon as possible after their adoption.

Article 19

Information exchange

1. The Commission and the Member States shall, as appropriate, facilitate the provision of scientific, technical, economic and legal information concerning chemicals subject to this Regulation, including toxicological, ecotoxicological and safety information.

The Commission, with the support of the Member States as necessary, shall, as appropriate, ensure:

- (a) the provision of publicly available information on regulatory actions relevant to the objectives of the Convention; and

³¹ OJ L 76, 22.3.1991, p. 35.

- (b) the provision of information to Parties and other countries directly or through the Secretariat on those actions which substantially restrict one or more uses of a chemical.
2. The Commission and the Member States shall protect any confidential information received from another Party or another country as mutually agreed.
 3. As regards the transmission of information under this Regulation, and without prejudice to Council Directive 90/313/EEC³², the following shall not be regarded as confidential:
 - (a) the information specified in Annex II and Annex III;
 - (b) the information contained in safety data sheets referred to in Article 16(3);
 - (c) the expiry date of the chemical;
 - (d) the production date of the chemical;
 - (e) information on precautionary measures, including hazard classification, the nature of the risk and the relevant safety advice;
 - (f) the summary results of the toxicological and ecotoxicological tests.

A compilation of the information transmitted shall be prepared regularly by the Commission on the basis of the contributions of Member States.

Article 20 *Technical assistance*

The Commission and the Designated National Authorities of the Member States shall, taking into account in particular the needs of developing countries and countries with economies in transition, cooperate in promoting technical assistance, including training, for the development of the infrastructure, the capacity and the expertise necessary to manage chemicals properly throughout their life cycle.

In particular, and with a view to enabling these countries to implement the Convention, technical assistance shall be promoted by providing technical information on chemicals, by promoting the exchange of experts, by giving support for the establishment or maintenance of Designated National Authorities and by providing technical expertise for the identification of hazardous pesticides formulations and for the preparation of notifications to the Secretariat.

The Commission and the Member States should actively participate in the Information Network on Capacity Building set up by the Intergovernmental Forum on Chemical Safety, by providing information on the projects they are supporting or financing to improve the management of chemicals in developing countries and countries with economies in transition.

The Commission and the Member States shall also consider giving support to Non-Governmental Organisations.

³² OJ L 158, 23.6.1990, p. 56.

Article 21
Monitoring and Reporting

1. Member States shall regularly forward to the Commission information on the operation of the procedures provided for in this Regulation, including customs controls, infringements, penalties, and remedial action.
2. The Commission shall regularly compile a report on the performance of the functions provided for in this Regulation for which it is responsible and shall integrate it in a synthesis report compiling the information provided by the Member States under paragraph 1. A summary of the report, which will be published on the Internet, shall be forwarded to the European Parliament and to the Council.
3. As regards the information supplied pursuant to paragraphs 1 and 2, the Member States and the Commission shall comply with relevant obligations to protect the confidentiality of data and ownership.

Article 22
Updating Annexes

1. The list of chemicals in Annex I shall be reviewed by the Commission at least every year, on the basis of developments under Community law and under the Convention.
2. In determining whether a final regulatory action at Community level constitutes a ban or a severe restriction, the effect of that action shall be assessed at the level of the sub-categories within the categories "pesticides" and "industrial chemicals". If the regulatory action bans or severely restricts a chemical in any one of the sub-categories it shall be included in the Part 1 of Annex I.

In determining whether a final regulatory action at Community level constitutes a ban or a severe restriction such that the chemical concerned qualifies for PIC notification under Article 10, the effect of that action shall be assessed at the level of the categories "pesticides" and "industrial chemicals". If the regulatory action bans or severely restricts the use of a chemical within either of the categories it shall also be included in Part 2 of Annex I.

3. The Commission shall take a decision to include chemicals in Annex I, or to amend their entry where appropriate, without undue delay.
4. Inclusion of a chemical in the Parts 1 or 2 of Annex I pursuant to paragraph 2 following regulatory action at Community level shall be decided in accordance with the regulatory procedure with scrutiny referred to in Article 24(3).

Inclusion of a chemical that is subject to Regulation (EC) 850/2004 of the European Parliament and of the Council³³ in Annex V shall be subject to the same procedure.

All other amendments to Annex I, including modifications to existing entries, and amendments to Annexes II, III, IV and VI, and modifications to existing entries in Annex V, shall be adopted in accordance with the advisory procedure referred to in Article 24(2).

³³ OJ L 158, 30.4.2004, p.7

Article 23
Technical notes for guidance

The Commission, in accordance with the advisory procedure referred to in Article 24(2), shall draw up technical notes for guidance to facilitate the day-to-day application of this Regulation.

The technical notes shall be published in the "C" series of the Official Journal of the European Union.

Article 24
Committee

1. The Commission shall be assisted by the committee established by Article 29 of Directive 67/548/EEC.
2. Where reference is made to this paragraph, Article 3 and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
3. Where reference is made to this paragraph, Article 5(a) (1) to (4) and Article 7 of Decision 1999/468/EC shall apply, having regard to the provisions of Article 8 thereof.
4. The Committee shall adopt its rules of procedure.

Article 25
References to Regulation (EC) No 304/2003

References to Regulation (EC) No 304/2003 shall be construed as references to this Regulation.

Article 26
Entry into force

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Article 17(2), however, shall apply as from [1 November 2007].

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels,

For the European Parliament
The President
[...]

For the Council
The President
[...]

ANNEX I

Part 1: List of chemicals subject to export notification procedure

(Article 7)

It should be noted that where chemicals listed in this part of the Annex are subject to the PIC procedure, the export notification obligations set out in Article 7(2),(3) and(4) shall not apply provided that the conditions laid down in points (b) and (c) of Article 7(6) have been fulfilled. Such chemicals, which are identified by the symbol # in the list below, are listed again in Part 3 of this Annex for ease of reference.

It should also be noted that where the chemicals listed in this part of the Annex qualify for PIC notification because of the nature of the Community's final regulatory action, these chemicals are also listed in Part 2 of this Annex. Such chemicals are identified by the symbol + in the list below.

CHEMICAL	CAS No	Einecs No	CN Code	Sub-category*	Use limitation**	Countries for which no notification is required
1,1,1-Trichloroethane	71-55-6	200-756-3	2903 19 10	i(2)	b	
1,2-Dibromoethane (Ethylene dibromide)#	106-93-4	203-444-5	2903 30 36	p(1)-p(2)	b-b	Please refer to PIC circular at www.pic.int/
1,2-Dichloroethane (ethylene dichloride)#	107-06-2	203-458-1	2903 15 00	p(1)-p(2) i(2)	b-b b	Please refer to PIC circular at www.pic.int/
Cis-1,3-dichloropropene ((1Z)-1,3-dichloroprop-1-ene)	10061-01-5	233-195-8	2903 29 00	p(1)-p(2)	b-b	
2-aminobutane	13952-84-6	237-732-7	2921 19 80	p(1)-p(2)	b-b	
2-Naphthylamine (naphthalen-2-amine) and its salts+	91-59-8, 553-00-4, 612-52-2 and others	202-080-4, 209-030-0, 210-313-6 and others	2921 45 00	i(1) i(2)	b b	
2,4,5-T and its salts and esters#	93-76-5 and others	202-273-3, 229-188-1 and others	2918 90 90	p(1)-p(2)	b-b	Please refer to PIC circular at www.pic.int/
4-Aminobiphenyl (biphenyl-4-amine) and its salts+	92-67-1, 2113-61-3 and others	202-177-1 and others	2921 49 80,	i(1) i(2)	b b	
4-Nitrobiphenyl+	92-93-3	202-204-7	2904 20 00	i(1) i(2)	b b	

Acephate +	30560-19-1	250-241-2	2930 90 70	p(1)-p(2)	b-b	
Acifluorfen	50594-66-6	256-634-5	2916 39 00	p(1)-p(2)	b-b	
Aldicarb +	116-06-3	204-123-2	2930 90 70	p(1)-p(2)	sr-b	
Ametryn	834-12-8	212-634-7	2933 69 80	p(1)-p(2)	b-b	
Amitraz +	33089-61-1	251-375-4	2925 20 00	p(1)	sr	
Arsenic compounds				p(2)	sr	
Asbestos Fibres+: Crocidolite# Amosite# Antophyllite# Actinolite# Tremolite# Chrysotile +	1332-21-4 and others 12001-28-4 12172-73-5 77536-67-5 77536-66-4 77536-68-6 12001-29-5 or 132207-32-0		2524 00 00 2524 00 00 2524 00 00 2524 00 00 2524 00 00 2524 00 00	i i i i i i	b b b b b b	Please refer to PIC circular at www.pic.int/
Atrazine +	1912-24-9	217-617-8	2933 69 10	p(1)-p(2)	sr-b	
Azinphos-ethyl	2642-71-9	220-147-6	2933 99 90	p(1)-p(2)	b-b	
Bensultap	17606-31-4		2930 90 70	p(1)-p(2)	b-b	
Benzene (1)	71-43-2	200-753-7	2902 20 00	i(2)	sr	
Benzidine and its salts+ Benzidine derivatives+	92-87-5, 36341-27-2 and others - -	202-199-1, 252-984-8 and others - -	2921 59 90	i(1) – i(2) i(2)	sr – b b	
Binapacryl#	485-31-4	207-612-9	2916 19 80	p(1) –p(2) i(2)	b-b b	Please refer to PIC circular at www.pic.int/
Cadmium and its Compounds	7440-43-9 and others	231-152-8 and others	8107 3206 30 00 and others	i(1)	sr	
Calciferol	50-14-6	200-014-9	2936 29 90	p(1)	b	
Captafol#	2425-06-1	219-363-3	2930 90 70	p(1) –p(2)	b-b	Please refer to PIC circular at www.pic.int/
Carbon tetrachloride	56-23-5	200-262-8	2903 14 00	i(2)	b	
Cartap	15263-53-3		2930 20 00	p(1)-p(2)	b-b	
Chinomethionat	2439-01-2	219-455-3	2934 99 90	p(1)-p(2)	b-b	
Chlordimeform#	6164-98-3	228-200-5	2925 20 00	p(1) –p(2)	b-b	Please refer to PIC circular at

						www.pic.int/
Chlorfenapyr+	122453-73-0		2933 99 90	p(1)	b	
Chlorfenvinphos	470-90-6	207-432-0	2919 00 90	p(1)-p(2)	b-b	
Chlormephos	24934-91-6	246-538-1	2930 90 70	p(1)-p(2)	b-b	
Chlorobenzilate#	510-15-6	208-110-2	2918 19 80	p(1)-p(2)	b-b	Please refer to PIC circular at www.pic.int/
Chloroform	67-66-3	200-663-8	2903 13 00	i(2)	b	
Chlozolate+	84332-86-5	282-714-4	2934 99 90	p(1)-p(2)	b-b	
Cholecalciferol	67-97-0	200-673-2	2936 29 90	p(1)	b	
Coumafuryl	117-52-2	204-195-5	2932 29 85	p(1)-p(2)	b-b	
Creosote and Creosote related substances	8001-58-9 61789-28-4 84650-04-4 90640-84-9 65996-91-0 90640-80-5 65996-85-2 8021-39-4 122384-78-5	232-287-5 263-047-8 283-484-8 292-605-3 266-026-1 292-602-7 266-019-3 232-419-1 310-191-5	2707 91 00 3807 00 90	i(2)	b	
Crimidine	535-89-7	208-622-6	2933 59 95	p(1)	b	
Cyanazine	21725-46-2	244-544-9	2933 69 80	p(1)-p(2)	b-b	
Cyhalothrine	68085-85-8	268-450-2	2926 90 95	p(1)	b	
DBB (Di- μ -oxo-di-n-butylstannio-hydroxyborane/dioxastannaboretan-4-ol)	75113-37-0	401-040-5	2931 00 95	i(1)	b	
Dicofol containing < 78% p,p'-Dicofol or 1 g/kg of DDT and DDT related compounds+	115-32-2	204-082-0	2906 29 00	p(1)-p(2)	b-b	
Dinitro-ortho-cresol (DNOC) and its salts (such as ammonium salt, potassium salt and sodium salt)#	534-52-1 2980-64-5 5787-96-2 2312-76-7	208-601-1 221-037-0 - 219-007-7	2908 90 00	p(1)-p(2)	b-b	Please refer to PIC circular at www.pic.int/
Dinobuton	973-21-7	213-546-1	2920 90 10	p(1)-p(2)	b-b	
Dinoseb and its salts	88-85-7 and others	201-861-7 and others	2908 90 00 2915 39 90	p(1)-p(2) i(2)	b-b b	Please refer to PIC circular at

and esters#						www.pic.int/
Dinoterb+	1420-07-1	215-813-8	2908 90 00	p(1) -p(2)	b-b	
Dustable powder formulations containing a combination of:			3808 90 90			Please refer to PIC circular at www.pic.int/
Benomyl at or above 7%,	17804-35-2	241-775-7	2933 99 90	p(1)	b	
Carbofuran at or above 10%	1563-66-2	216-353-0	2932 99 85	p(2)	b	
and Thiram at or above 15% #	137-26-8	205-286-2	2930 30 00			
Endosulfan+	115-29-7	204-079-4	2920 90 85	p(1)	b	
Ethion	563-12-2	209-242-3	2930 90 70	p(1)-p(2)	b-b	
Ethylene oxide (Oxirane)#	75-21-8	200-849-9	2910 10 00	p(1)	b	Please refer to PIC circular at www.pic.int/
Fenpropathrin	39515-41-8	254-485-0	2926 90 95	p(1)-p(2)	b-b	
Fenthion +	55-38-9	200-231-9	2930 90 70	p(1)	sr	
Fentin acetate +	900-95-8	212-984-0	2931 00 95	p(1)-p(2)	b-b	
Fentin hydroxide +	76-87-9	200-990-6	2931 00 95	p(1) -p(2)	b-b	
Fenvalerate	51630-58-1	257-326-3	2926 90 95	p(1)	b	
Ferbam	14484-64-1	238-484-2	2930 20 00	p(1) -p(2)	b-b	
Fluoroacetamide#	640-19-7	211-363-1	2924 19 00	p(1)	b	Please refer to PIC circular at www.pic.int/
Flurenol	467-69-6	207-397-1	2918 19 80	p(1)-p(2)	b-b	
Furathiocarb	65907-30-4	265-974-3	2932 99 85	p(1)-p(2)	b-b	
HCH/Hexachlorocyclohexane (mixed isomers)#	608-73-1	210-168-9	2903 51 00	p(1)-p(2)	b-sr	Please refer to PIC circular at www.pic.int/
Hexachloroethane	67-72-1	200-666-4	2903 19 80	i(1)	sr	
Hexazinone	51235-04-2	257-074-4	2933 69 80	p(1)-p(2)	b-b	
Iminoctadine	13516-27-3	236-855-3	2925 20 00	p(1)-p(2)	b-b	

Isoxathion	18854-01-8	242-624-8	2934 99 90	p(1)	b	
Lindane (γ -HCH) #	58-89-9	200-401-2	2903 51 00	p(1)-p(2)	b-sr	Please refer to PIC circular at www.pic.int/
(a) Maleic hydrazide, and its salts, other than choline, potassium and sodium salts; (b) Choline, potassium and sodium salts of maleic hydrazide containing more than 1 mg/kg of free hydrazine expressed on the basis of the acid equivalent	123-33-1 61167-10-0, 51542-52-0, 28330-26-9	204-619-9 257-261-0, 248-972-7	2933 99 90 2933 99 90	p(1)	b	
Mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl and aryl mercury compounds#	10112-91-1, 21908-53-2 and others	233-307-5, 244-654-7 and others	2827 39 80, 2825 90 50 and others	p(1)- p(2)	b - sr	Please refer to PIC circular at www.pic.int/
Methamidophos (Soluble liquid formulations of the substance that exceed 600 g active ingredient/l) #	10265-92-6	233-606-0	2930 90 70 3808 10 40	p(2)	b	Please refer to PIC circular at www.pic.int/
Methidathion	950-37-8	213-449-4	2934 99 90	p(1)-p(2)	b-b	
Methyl-parathion + #	298-00-0	206-050-1	2920 10 00	p(1)-p(2)	b-b	Please refer to PIC circular at www.pic.int/
Metoxuron	19937-59-8	243-433-2	2924 21 90	p(1)-p(2)	b-b	
Monocrotophos #	6923-22-4	230-042-7	2924 19 00	p(1)-p(2)	b-b	Please refer to PIC circular at www.pic.int/
Monolinuron	1746-81-2	217-129-5	2928 00 90	p(1)	b	
Monomethyl-dibromo-diphenyl methane Tradename: DBBT+	99688-47-8	401-210-1	2903 69 90	i(1)	b	

Monomethyl-Dichloro-Diphenyl methane; Tradename: Ugilec 121 or Ugilec 21+	-	400-140-6	2903 69 90	i(1) – i(2)	b - b	
Monomethyl-Tetrachlorodiphenyl methane; Tradename: Ugilec 141+	76253-60-6	278-404-3	2903 69 90	i(1) – i(2)	b-b	
Monuron	150-68-5	205-766-1	2924 21 90	p(1)	b	
Nitrofen+	1836-75-5	217-406-0	2909 30 90	p(1)-p(2)	b-b	
Nonylphenols $C_6H_4(OH)C_9H_{19}+$	25154-52-3 (phenol, nonyl-), 84852-15-3 (phenol, 4-nonyl-, branched) 11066-49-2 (isononylphenol), 90481-04-2, (phenol, nonyl-, branched), 104-40-5(<i>p</i> -nonylphenol) and others	246-672-0, 284-325-5 234-284-4 291-844-0 203-199-4 and others	2907 13 00	i(1)	sr	
Nonylphenol ethoxylates $(C_2H_4O)_n C_{15}H_{24}O+$	9016-45-9, 26027-38-3, 68412-54-4, 37205-87-1, 127087-87-0 and others		3402 13 00	i(1) p(1)-p(2)	Sr b-b	
Octabromodiphenyl ether +	32536-52-0	251-087-9	2909 30 38	i(1)	sr	
Omethoate	1113-02-6	214-197-8	2930 90 70	p(1)-p(2)	b-b	
Parathion#	56-38-2	200-271-7	2920 10 00	p(1)-p(2)	b-b	Please refer to PIC circular at www.pic.int/
Pebulate	1114-71-2	214-215-4	2930 20 00	p(1)-p(2)	b-b	
Pentabromodiphenyl ether +	32534-81-9	251-084-2	2909 30 31	i(1)	sr	
Pentachlorophenol and its salts and esters#	87-86-5 and others	201-778-6 and others	2908 10 00 and others	p(1)-p(2)	b-sr	Please refer to PIC circular at www.pic.int/

Permethrin	52645-53-1	258-067-9	2916 20 00	p(1)	b	
Phosphamidon (Soluble liquid formulations of the substance that exceed 1000 g active ingredient/l) #	13171-21-6 (mixture, (E)&(Z) isomers) 23783-98-4 ((Z)-isomer) 297-99-4 ((E)-isomer)	236-116-5	2924 19 00 3808 10 40	p(1)-p(2)	b-b	Please refer to PIC circular at www.pic.int/
Polybrominated biphenyls (PBB)#	13654-09-6 36355-01-8 27858-07-7 and others	237-137-2 252-994-2 248- 696-7	2903 69 90 and others	i(1)	sr	Please refer to PIC circular at www.pic.int/
Polychlorinated terphenyls (PCT)#	61788-33-8	262-968-2	2903 69 90	i(1)	b	Please refer to PIC circular at www.pic.int/
Propham	122-42-9	204-542-0	2924 29 95	p(1)	b	
Pyrazophos+	13457-18-6	236-656-1	2933 59 95	p(1) -p(2)	b-b	
Quintozene+	82-68-8	201-435-0	2904 90 85	p(1) -p(2)	b-b	
Scilliroside	507-60-8	208-077-4	2938 90 90	p(1)	b	
Simazine +	122-34-9	204-535-2	2933 69 10	p(1)	sr	
Strychnine	57-24-9	200-319-7	2939 99 00	p(1)	b	
Tecnazene+	117-18-0	204-178-2	2904 90 85	p(1) -p(2)	b-b	
Terbufos	13071-79-9	235-963-8	2930 90 70	p(1)-p(2)	b-b	
Tetraethyl lead #	78-00-2	201-075-4	2931 00 95	i(1)	sr	Please refer to PIC circular at www.pic.int/
Tetramethyl lead #	75-74-1	200-897-0	2931 00 95	i(1)	sr	Please refer to PIC circular at www.pic.int/
Thallium sulphate	7446-18-6	231-201-3	2833 29 90	p(1)	b	
Thiocyclam	31895-22-4	250-859-2	2934 99 90	p(1)-p(2)	b-b	
Triazophos	24017-47-8	245-986-5	2933 99 90	p(1)-p(2)	b-b	
Tridemorph	24602-86-6	246-347-3	2934 99 90	p(1)-p(2)	b-b	
Triorganostannic compounds+	-	-	2931 00 95 and others	p(2) i(2)	Sr sr	
Tris (2,3-Dibromopropyl)	126-72-7	204-799-9	2919 00 90	i(1)	sr	Please refer to PIC circular at

Phosphate#						www.pic.int/
Tris-aziridinyl-phosphin oxide (1,1',1''-phosphoryl triaziridine) +	545-55-1	208-892-5	2933 99 90	i(1)	sr	
Vamidotion	2275-23-2	218-894-8	2930 90 70	p(1)-p(2)	b-b	
Zineb	12122-67-7	235-180-1	2930 20 00	p(1)	b	

* Sub- Category: p(1) – pesticide in the group of plant protection products, p(2) – other pesticide including biocides. i(1) - industrial chemical for professional use and i(2) – industrial chemical for public use.

** Use limitation: sr - severe restriction, b – ban (for the sub-category or sub-categories concerned) according to Community legislation.

(1) except motor fuels subject to Directive 98/70/EC of the European Parliament and of the Council (OJ L 350, 28.12.1998, p.58)

CAS No = Chemical Abstracts Service Registry Number.

Chemical subject or partially subject to the PIC procedure.

+ Chemical qualifying for PIC notification.

PART 2: LIST OF CHEMICALS QUALIFYING FOR PIC NOTIFICATION

(Article 10)

This list comprises chemicals qualifying for PIC notification. It generally does not include chemicals that are already subject to the PIC procedure, which are listed in Part 3 of this Annex.

Chemical	CAS No	Einecs No	CN code	Category*	Use limitation**
2-Naphthylamine (naphthalen-2-amine) and its salts	91-59-8, 553-00-4, 612-52-2 and others	202-080-4, 209-030-0, 210-313-6 and others	2921 45 00	i	b
4-Aminobiphenyl (biphenyl-4-amine) and its salts	92-67-1, 2113-61-3 and others	202-177-1 and others	2921 49 80	i	b
4-Nitrobiphenyl	92-92-3	202-204-7	2904 20 00	i	b
Acephate	30560-19-1	250-241-2	2930 90 70	p	b
Aldicarb	116-06-3	204-123-2	2930 90 70	p	sr
Amitraz	33089-61-1	251-375-4	2925 20 00	p	sr
Asbestos Fibres: Chrysotile	12001-29-5 or 132207-32-0		2524 00 00	i	b
Atrazine	1912-24-9	217-617-8	2933 69 10	p	sr
Benzidine and its salts	92-87-5, 36341-27-2 and others	202-199-1, 252-984-8 and others	2921 59 90	i	sr
Benzidine derivatives	-	-			
Chlorfenapyr	122453-73-0		2933 99 90	p	sr
Chlozolinate	84332-86-5	282-714-4	2934 99 90	p	b
Dicofol containing < 78% p,p'-Dicofol or 1 g/kg of DDT and DDT related compounds	115-32-3	204-082-0	2906 29 00	p	b
Dinoterb	1420-07-1	215-813-8	2908 90 00	p	b
Endosulfan	115-29-7	204-079-4	2920 90 85	p	b
Fenthion	55-38-9	200-231-9	2930 90 70	p	sr

Fentin acetate	900-95-8	212-984-0	2931 00 95	p	b
Fentin hydroxide	76-87-9	200-990-6	2931 00 95	p	b
Methyl parathion #	298-00-0	206-050-1	2920 10 00	p	b
Monomethyl-dibromo-diphenyl methane Tradename: DBBT	99688-47-8	401-210-1	2903 69 90	i	b
Monomethyl-Dichloro-Diphenyl methane; Tradename: Ugilec 121 or Ugilec 21	-	400-140-6	2903 69 90	i	b
Monomethyl-Tetrachlorodiphenyl methane; Tradename: Ugilec141	76253-60-6	278-404-3	2903 69 90	i	b
Nitrofen	1836-75-5	217-406-0	2909 30 90	p	b
Nonylphenols $C_6H_4(OH)C_9H_{19}$	25154-52-3 (phenol, nonyl-), 84852-15-3 (phenol, 4-nonyl-, branched), 11066-49-2 (isononylphenol), 90481-04-2, (phenol, nonyl-, branched), 104-40-5(<i>p</i> - nonylphenol) and others	246-672-0, 284-325-5 234-284-4 291-844-0 203-199-4 and others	2907 13 00	i	sr
Nonylphenol ethoxylates $(C_2H_4O)_n C_{15}H_{24}O$	9016-45-9, 26027-38-3, 68412-54-4, 37205-87-1, 127087-87-0 and others		3402 13 00	i p	Sr b
Octabromodiphenyl ether	32536-52-0	251-087-9	2909 30 38	i	sr
Pentabromodiphenyl ether	32534-81-9	251-084-2	2909 30 31	i	sr
Pyrazophos	13457-18-6	236-656-1	2933 59 95	p	b
Quintozene	82-68-8	201-435-0	2904 90 85	p	b
Simazine	122-34-9	204-535-2	2933 69 10	p	sr

Tecnazene	117-18-0	204-178-2	2904 90 85	p	b
Triorganostannic compounds, in particular tributyltin compounds, including bis (tributyltin) oxide	56-35-9 and others	200-268-0 and others	2931 00 95 and others	p	sr

* Category: p – pesticides. i - industrial chemical

** Use limitation: sr - severe restriction, b – ban (for the category or categories concerned)

CAS No = Chemical Abstracts Service Registry Number.

Chemical subject or partially subject to the international PIC procedure

PART 3: LIST OF CHEMICALS SUBJECT TO THE PIC PROCEDURE UNDER THE ROTTERDAM CONVENTION

(Articles 12 and 13)

(The categories shown are those referred to in the Convention)

Chemical	Relevant CAS number(s)	Category
2,4,5-T and its salts and esters	93-76-5#	Pesticide
Aldrin*	309-00-2	Pesticide
Binapacryl	485-31-4	Pesticide
Captafol	2425-06-1	Pesticide
Chlordane*	57-74-9	Pesticide
Chlordimeform	6164-98-3	Pesticide
Chlorobenzilate	510-15-6	Pesticide
DDT*	50-29-3	Pesticide
Dieldrin*	60-57-1	Pesticide
Dinitro-ortho-cresol (DNOC) and its salts (such as ammonium salt, potassium salt and sodium salt)	534-52-1, 2980-64-5, 5787-96-2, 2312-76-7	Pesticide

Dinoseb and its salts and esters	88-85-7#	Pesticide
1,2-dibromoethane (EDB)	106-93-4	Pesticide
Ethylene dichloride (1,2-dichloroethane)	107-06-2	Pesticide
Ethylene oxide	75-21-8	Pesticide
Fluoroacetamide	640-19-7	Pesticide
HCH (mixed isomers)	608-73-1	Pesticide
Heptachlor*	76-44-8	Pesticide
Hexachlorobenzene*	118-74-1	Pesticide
Lindane	58-89-9	Pesticide
Mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl and aryl mercury compounds		Pesticide
Monocrotophos	6923-22-4	Pesticide
Parathion	56-38-2	Pesticide
Pentachlorophenol and its salts and esters	87-86-5#	Pesticide
Toxaphene*	8001-35-2	Pesticide
Dustable powder formulations containing a combination of: Benomyl at or above 7%, Carbofuran at or above 10% and Thiram at or above 15%	17804-35-2 1563-66-2 137-26-8	Severely hazardous pesticide formulation
Methamidophos (Soluble liquid formulations of the substance that exceed 600 g active ingredient/l)	10265-92-6	Severely hazardous pesticide formulation
Methyl-parathion (emulsifiable concentrates (EC) at or above 19.5% active ingredient and dusts at or above 1.5% active ingredient)	298-00-0	Severely hazardous pesticide formulation
Phosphamidon	13171-21-6 (mixture,	Severely hazardous

(Soluble liquid formulations of the substance that exceed 1000 g active ingredient/l)	(E)&(Z) isomers) 23783-98-4 ((Z)-isomer) 297-99-4 ((E)-isomer)	pesticide formulation
Asbestos fibres: Actinolite Anthophyllite Amosite Crocidolite Tremolite	77536-66-4 77536-67-5 12172-73-5 12001-28-4 77536-68-6	Industrial Industrial Industrial Industrial Industrial
Polybrominated biphenyls (PBB)	36355-01-8(hexa-) 27858-07-7(octa-) 13654-09-6 (deca-)	Industrial
Polychlorinated biphenyls (PCB)*	1336-36-3	Industrial
Polychlorinated terphenyls (PCT)	61788-33-8	Industrial
Tetraethyl lead	78-00-2	Industrial
Tetramethyl lead	75-74-1	Industrial
Tris (2,3-dibromopropyl) phosphate	126-72-7	Industrial

* These substances are subject to an export ban in accordance with the provisions of Article 14(2) of and Annex V to this Regulation.

Only the CAS numbers of parent compounds are listed.

NOTIFICATION OF A BANNED OR SEVERELY RESTRICTED CHEMICAL TO THE
SECRETARIAT OF THE CONVENTION

Information requirements for notifications pursuant to Article 10

Notifications shall include:

1. properties, identification and uses
 - (a) common name;
 - (b) chemical name according to an internationally recognised nomenclature (for example International Union of Pure and Applied Chemistry (IUPAC)), where such nomenclature exists;
 - (c) trade names and names of preparations;
 - (d) code numbers: Chemical Abstracts Service (CAS) number, Harmonised System Customs Code and other numbers;
 - (e) information on hazard classification, where the chemical is subject to classification requirements;
 - (f) use or uses of the chemical:
 - in the European Union
 - elsewhere (if known);
 - (g) the physico-chemical, toxicological and ecotoxicological properties;
2. final regulatory action
 - (a) information specific to the final regulatory action:
 - (i) summary of the final regulatory action;
 - (ii) reference to the regulatory document;
 - (iii) date of entry into force of the final regulatory action;
 - (iv) indication of whether the final regulatory action was taken on the basis of a risk or hazard evaluation and, if so, information on such an evaluation, covering a reference to the relevant documentation;
 - (v) reasons for the final regulatory action relevant to human health, including the health of consumers and workers, or the environment;

- (vi) summary of the hazards and risks presented by the chemical to human health, including the health of consumers and workers, or the environment and the expected effect of the final regulatory action;
- (b) category or categories where the final regulatory action has been taken, and for each category:
 - (i) Use or uses prohibited by the final regulatory action;
 - (ii) Use or uses that remain allowed;
 - (iii) Estimation, where available, of quantities of the chemical produced, imported, exported and used;
- (c) an indication, to the extent possible, of the likely relevance of the final regulatory action to other States and regions;
- (d) other relevant information that may cover:
 - (i) assessment of socio-economic effects of the final regulatory action;
 - (ii) information on alternatives and their relative risks, where available, such as:
 - integrated pest management strategies;
 - industrial practices and processes, including cleaner technology.

EXPORT NOTIFICATION

Information required pursuant to Article 7

1. Identity of the substance to be exported:
 - (a) name in nomenclature of the International Union of Pure and Applied Chemistry
 - (b) other names (e.g. ISO name, usual names, trade names, and abbreviations)
 - (c) EINECS number and CAS number
 - (d) CUS number (European Customs Inventory of Chemical Substances) and Combined Nomenclature code
 - (e) main impurities of the substance, when particularly relevant.
2. Identity of the preparation to be exported:
 - (a) trade name or designation of the preparation
 - (b) for each substance listed in Annex I, percentage and details as specified under item 1.
 - (c) CUS number (European Customs Inventory of Chemical Substances) and Combined Nomenclature code
3. Information on the export:
 - (a) country of destination
 - (b) country of origin
 - (c) expected date of first export this year
 - (d) estimated amount of the chemical to be exported to the country concerned this year
 - (e) intended use in the country of destination, if known, including information on the category(ies) under the Rotterdam Convention under which the use falls
 - (f) name, address and other relevant particulars of the importer or importing company
 - (g) name, address and other relevant particulars of the exporter or exporting company.
4. Designated National Authorities:
 - (a) The name, address, telephone and telex, fax number or E-mail of the designated authority in the European Union from which further information may be obtained.
 - (b) The name, address, telephone and telex, fax number or E-mail of the designated authority in the importing country.

5. Information on precautions to be taken, including category of danger and risk and safety advice.
6. A summary on physico-chemical, toxicological and ecotoxicological properties.
7. Use of the chemical in the European Union:
 - (a) Uses, category(ies) under the Rotterdam Convention and Community subcategory(ies) subject to control measure (ban or severe restriction)
 - (b) Uses for which the chemical is not severely restricted or banned
(Use categories and subcategories as defined in Annex I of the Regulation)
 - (c) Estimation, where available, of quantities of the chemical produced, imported, exported and used.
8. Information on precautionary measures to reduce exposure to, and emission of, the chemical.
9. Summary of regulatory restrictions and reasons for them.

Summary of information given in Annex II under point 2 (a), (c) and (d).

Additional information provided by the exporting Party because considered of concern or further information specified in Annex II when requested by the importing Party.

INFORMATION TO BE PROVIDED BY THE DESIGNATED NATIONAL AUTHORITIES OF
THE MEMBER STATES TO THE COMMISSION IN ACCORDANCE WITH ARTICLE 9

1. Summary of quantities of chemicals (in the form of substances and preparations) subject to Annex I exported during the previous year.
 - (a) Year in which exports took place
 - (b) Table summarising quantities of exported chemicals (in the form of substances and preparations) as outlined below.

Chemical	Importing Country	Quantity of substance
...		
...		
...		

2. List of importers

Chemical	Importing Country	Importer or importing company	Address and other relevant particulars of the importer or the importing company

CHEMICALS AND ARTICLES SUBJECT TO EXPORT BAN

(Article 14)

Description of chemicals/article(s) subject to export ban	Additional details, where relevant (e.g. name of chemical, EC No, CAS No etc)	
Cosmetic soaps containing mercury	CN codes 3401 11 00, 3401 19 00, 3401 20 10, 3401 20 90, 3401 30 00	
Persistent organic pollutants as listed in Annexes A and B of the Stockholm Convention on Persistent Organic Pollutants according to the provisions therein	Aldrin	EC No 206-215-8, CAS No 309-00-2, CN code 2903 59 90
	Chlordane	EC No 200-349-0, CAS No 57-74-9, CN code 2903 59 90
	Dieldrin	EC No 200-484-5, CAS No 60-57-1, CN code 2910 90 00
	DDT (1,1,1-trichloro-2,2-bis(p-chlorophenyl) ethane	EC No 200-024-3, CAS No 50-29-3, CN code 2903 62 00
	Endrin	EC No 200-775-7, CAS No 72-20-8, CN code 2910 90 00
	Heptachlor	EC No 200-962-3, CAS No 76-44-8, CN code 2903 59 90
	Hexachlorobenzene	EC No 200-273-9, CAS No 118-74-1, CN code 2903 62 00
	Mirex	EC No 219-196-6, CAS No 2385-85-5, CN code 2903 59 90
Toxaphene (camphechlor)	EC No 232-283-3, CAS No 8001-35-2, CN code 3808 10 20	

	Polychlorinated biphenyls (PCBs)	EC No 215-648-1 and others, CAS No 1336-36-3 and others, CN code 2903 69 90
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LIST OF PARTIES TO THE CONVENTION REQUIRING INFORMATION ON TRANSIT
MOVEMENTS OF CHEMICALS SUBJECT TO THE PIC PROCEDURE

(Article 15 of this Regulation)

Country	Required Information

LEGISLATIVE FINANCIAL STATEMENT

1. NAME OF THE PROPOSAL:

Proposal for a Regulation of the European Parliament and of the Council concerning the export and import of dangerous chemicals (to replace Regulation 304/2003)

2. ABM / ABB FRAMEWORK

Policy Area(s) concerned and associated Activity/Activities:

Environment (ABB Code 0703: Implementation of Community Environmental Policy and legislation).

3. BUDGET LINES

3.1. Budget lines (operational lines and related technical and administrative assistance lines (ex- B..A lines)) including headings:

...

3.2. Duration of the action and of the financial impact:

...

3.3. Budgetary characteristics:

Budget line	Type of expenditure		New	EFTA contribution	Contributions from applicant countries	Heading in financial perspective
	Comp/ Non-comp	Diff ³⁴ / Non-diff ³⁵	YES/ NO	YES/NO	YES/NO	No [...]
	Comp/ Non-comp	Diff/ Non-diff	YES/ NO	YES/NO	YES/NO	No [...]

³⁴ Differentiated appropriations

³⁵ Non-differentiated appropriations hereafter referred to as NDA

4. SUMMARY OF RESOURCES

4.1. Financial Resources

4.1.1. Summary of commitment appropriations (CA) and payment appropriations (PA)

EUR million (to 3 decimal places)

Expenditure type	Section no.		2007	2008	2009	2010	2011	2012 and later	Total
------------------	-------------	--	------	------	------	------	------	----------------	-------

Operational expenditure³⁶

Commitment Appropriations (CA)	8.1.	a							
Payment Appropriations (PA)		b							

Administrative expenditure within reference amount³⁷

Technical & administrative assistance (NDA)	8.2.4.	c							
---	--------	---	--	--	--	--	--	--	--

TOTAL REFERENCE AMOUNT

Commitment Appropriations		a+c							
Payment Appropriations		b+c							

Administrative expenditure not included in reference amount³⁸

Human resources and associated expenditure (NDA)	8.2.5.	d	0.108	0.108	0.108	0.108	0.108	0.108	0.648
Administrative costs, other than human resources and associated costs, not included in reference amount (NDA)	8.2.6.	e							

Total indicative financial cost of intervention

TOTAL CA including cost of Human Resources		a+c +d+ e	0.108	0.108	0.108	0.108	0.108	0.108	0.648
TOTAL PA including cost of Human Resources		b+c +d+ e	0.108	0.108	0.108	0.108	0.108	0.108	0.648

³⁶ Expenditure that does not fall under Chapter xx 01 of the Title xx concerned.

³⁷ Expenditure within article xx 01 04 of Title xx.

³⁸ Expenditure within chapter xx 01 other than articles xx 01 04 or xx 01 05.

Co-financing details

If the proposal involves co-financing by Member States, or other bodies (please specify which), an estimate of the level of this co-financing should be indicated in the table below (additional lines may be added if different bodies are foreseen for the provision of the co-financing):

EUR million (to 3 decimal places)

Co-financing body		Year n	n + 1	n + 2	n + 3	n + 4	n + 5 and later	Total
.....	f							
TOTAL CA including co-financing	a+c +d+ e+f							

4.1.2. Compatibility with Financial Programming

- Proposal is compatible with existing financial programming.
- Proposal will entail reprogramming of the relevant heading in the financial perspective.
- Proposal may require application of the provisions of the Interinstitutional Agreement³⁹ (i.e. flexibility instrument or revision of the financial perspective).

4.1.3. Financial impact on Revenue

- Proposal has no financial implications on revenue
- Proposal has financial impact – the effect on revenue is as follows:

EUR million (to one decimal place)

Budget line	Revenue	Prior to action [Year n-1]	Situation following action					
			[Year n]	[n+1]	[n+2]	[n+3]	[n+4]	[n+5] ⁴⁰
	a) Revenue in absolute terms							
	b) Change in revenue	Δ						

³⁹ See points 19 and 24 of the Interinstitutional agreement.

⁴⁰ Additional columns should be added if necessary i.e. if the duration of the action exceeds 6 years

4.2. Human Resources FTE (including officials, temporary and external staff) – see detail under point 8.2.1.

Annual requirements	2007	2008	2009	2010	2011	2012 and later
Total number of human resources	1AST	1 AST	1 AST	1 AST	1 AST	1 AST

5. CHARACTERISTICS AND OBJECTIVES

5.1. Need to be met in the short or long term

Better protection of human health and the environment in importing countries, particularly developing countries, against dangerous chemicals. In particular to ensure that they are provided with adequate information about EU exports and that certain chemicals that are subject to the international Prior Informed Consent Procedure under the Rotterdam Convention and chemicals that are banned or severely restricted in the EU within the meaning of that Convention are not exported without the explicit consent of importing countries. To that end, additional staff resources are necessary for the development of a harmonised system including a greater role for the Commission in seeking and obtaining explicit consents from importing countries, gathering and storing relevant information through the further development of the existing database and making such information available to all interested parties.

5.2. Value-added of Community involvement and coherence of the proposal with other financial instruments and possible synergy

Without Community involvement, the current procedure for explicit consent (involving Member States), which gives rise to unnecessary overlaps and duplication of effort, confusion in importing countries and possible risks of inconsistencies of approach, would continue.

5.3. Objectives, expected results and related indicators of the proposal in the context of the ABM framework

Smoother functioning procedures that will maintain protection of human health and the environment in importing countries without imposing unreasonable burdens on exporters and competent authorities. In particular the system should provide for greater transparency and consistency and help to reduce delays in handling cases. The rate of responses to requests and the length of time in obtaining those responses will be used as indicators to monitor implementation and effects.

5.4. Method of Implementation (indicative)

X *Centralised Management*

- directly by the Commission
- indirectly by delegation to:
 - executive Agencies
 - bodies set up by the Communities as referred to in art. 185 of the Financial Regulation
 - national public-sector bodies/bodies with public-service mission
- Shared or decentralised management***
 - with Member states
 - with Third countries
- Joint management with international organisations (please specify)***

Relevant comments:

6. MONITORING AND EVALUATION

6.1. Monitoring system

Implementation will be continuously reviewed by the Commission and the Member States at regular meetings with the competent authorities.

Member States will be required to report regularly on operation of all procedures under the Regulation. The Commission will compile this information together with a report on the performance of its functions under the Regulation and submit an overall summary report to the Parliament and to the Council.

6.2. Evaluation

6.2.1. Ex-ante evaluation

6.2.2. Measures taken following an intermediate/ex-post evaluation (lessons learned from similar experiences in the past)

See first report on operation of Regulation 304/2003 to date, accompanying this proposal, which confirms that the explicit consent procedure is not functioning as smoothly as the rest of the Regulation.

6.2.3. Terms and frequency of future evaluation

Regular evaluation at meetings with competent authorities in the Member States.

7. ANTI-FRAUD MEASURES

...

8. DETAILS OF RESOURCES

8.1. Objectives of the proposal in terms of their financial cost

Commitment appropriations in EUR million (to 3 decimal places)

(Headings of Objectives, actions and outputs should be provided)	Type of output	Av. cost	Year n		Year n+1		Year n+2		Year n+3		Year n+4		Year n+5 and later		TOTAL	
			No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost	No. outputs	Total cost
OPERATIONAL OBJECTIVE No.1 ⁴¹																
Action 1																
- Output 1																
- Output 2																
Action 2																
- Output 1																
Sub-total Objective 1																
OPERATIONAL OBJECTIVE No.2 ¹																
Action																

⁴¹ As described under Section 5.3

1.....																
- Output 1																
Sub-total Objective 2																
OPERATIONAL OBJECTIVE No.n 1																
Sub-total Objective n																
TOTAL COST																

8.2. Administrative Expenditure

8.2.1. Number and type of human resources

Types of post		Staff to be assigned to management of the action using existing and/or additional resources (number of posts/FTEs)					
		2007	2008	2009	2010	2011	2012
Officials or temporary staff ⁴² (XX 01 01)	A*/AD						
	B*, C*/AST	1	1	1	1	1	1
Staff financed ⁴³ by art. XX 01 02							
Other staff ⁴⁴ financed by art. XX 01 04/05							
TOTAL		1	1	1	1	1	1

8.2.2. Description of tasks deriving from the action

Transmission to importing countries of requests for explicit consent; providing additional information where appropriate; sending reminders etc; where necessary, interpreting responses; informing parties concerned and entering information on a database.

8.2.3. Sources of human resources (statutory)

- Posts currently allocated to the management of the programme to be replaced or extended
- Posts pre-allocated within the APS/PDB exercise for year n
- Posts to be requested in the next APS/PDB procedure
- Posts to be redeployed using existing resources within the managing service (internal redeployment)
- Posts required for year 2007 although not foreseen in the APS/PDB exercise of the year in question

⁴² Cost of which is NOT covered by the reference amount

⁴³ Cost of which is NOT covered by the reference amount

⁴⁴ Cost of which is included within the reference amount

8.2.4. *Other Administrative expenditure included in reference amount (XX 01 04/05 – Expenditure on administrative management)*

EUR million (to 3 decimal places)

Budget line (number and heading)	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
1 Technical and administrative assistance (including related staff costs)							
Executive agencies ⁴⁵							
Other technical and administrative assistance							
- <i>intra muros</i>							
- <i>extra muros</i>							
Total Technical and administrative assistance							

8.2.5. *Financial cost of human resources and associated costs not included in the reference amount*

EUR million (to 3 decimal places)

Type of human resources	2007	2008	2009	2010	2011	2012 and later
Officials and temporary staff (XX 01 01)	0.108	0.108	0.108	0.108	0.108	0.108
Staff financed by Art XX 01 02 (auxiliary, END, contract staff, etc.) (specify budget line)						
Total cost of Human Resources and associated costs (NOT in reference amount)	0.108	0.108	0.108	0.108	0.108	0.108

Calculation– Officials and Temporary agents

The standard salary for 1 AST as foreseen in Point 8.2.1 is 0.108M€

⁴⁵ Reference should be made to the specific legislative financial statement for the Executive Agency(ies) concerned.

Calculation– Staff financed under art. XX 01 02

...

8.2.6. Other administrative expenditure not included in reference amount

EUR million (to 3 decimal places)

	Year n	Year n+1	Year n+2	Year n+3	Year n+4	Year n+5 and later	TOTAL
XX 01 02 11 01 – Missions							
XX 01 02 11 02 – Meetings & Conferences							
XX 01 02 11 03 – Committees ⁴⁶							
XX 01 02 11 04 – Studies & consultations							
XX 01 02 11 05 - Information systems							
2 Total Other Management Expenditure (XX 01 02 11)							
3 Other expenditure of an administrative nature (specify including reference to budget line)							
Total Administrative expenditure, other than human resources and associated costs (NOT included in reference amount)							

Calculation - *Other administrative expenditure not included in reference amount*

...

The needs for human and administrative resources shall be covered within the allocation granted to the managing DG in the framework of the annual allocation procedure.

⁴⁶ Specify the type of committee and the group to which it belongs.