

Procedure file

Basic information		
CNS - Consultation procedure Decision	2002/0030(CNS)	Procedure completed
Hazardous chemicals and pesticides, international trade: Rotterdam Convention, prior informed consent procedure		
Subject 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	ENVI Environment, Public Health, Consumer Policy		19/02/2002
		EDD BLOKLAND Johannes	
European Parliament	Committee for opinion	Rapporteur for opinion	Appointed
	JURI Legal Affairs and Internal Market		07/01/2002
		UEN CROWLEY Brian	
European Parliament	ITRE Industry, External Trade, Research, Energy		
	Council of the European Union	Meeting	Date
	Justice and Home Affairs (JHA)	2477	19/12/2002
	Environment	2457	17/10/2002
	Environment	2439	25/06/2002
European Commission	Commission DG	Commissioner	
	Environment		

Key events			
24/01/2002	Legislative proposal published	COM(2001)0802	Summary
11/03/2002	Committee referral announced in Parliament		
25/06/2002	Debate in Council	2439	Summary
10/09/2002	Vote in committee		Summary
10/09/2002	Committee report tabled for plenary, 1st reading/single reading	A5-0290/2002	
17/10/2002	Debate in Council	2457	
23/10/2002	Debate in Parliament		

24/10/2002	Decision by Parliament	T5-0517/2002	Summary
19/12/2002	Act adopted by Council after consultation of Parliament		
19/12/2002	End of procedure in Parliament		
06/03/2003	Final act published in Official Journal		

Technical information

Procedure reference	2002/0030(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	International agreement
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 300-p3-a1
Stage reached in procedure	Procedure completed

Documentation gateway

Legislative proposal	COM(2001)0802 OJ C 126 28.05.2002, p. 0274 E	24/01/2002	EC	Summary
Committee report tabled for plenary, 1st reading/single reading	A5-0290/2002	10/09/2002	EP	
Text adopted by Parliament, 1st reading/single reading	T5-0517/2002 OJ C 300 11.12.2003, p. 0443-0607 E	24/10/2002	EP	Summary

Final act

[Decision 2003/106](#)
[OJ L 063 06.03.2003, p. 0027-0047](#) Summary

Hazardous chemicals and pesticides, international trade: Rotterdam Convention, prior informed consent procedure

PURPOSE : to present a Council Decision to approve the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade. **CONTENT** : under the auspices of the Food and Agriculture Organisation (FAO) and the United Nations Environment Programme (UNEP), negotiations for a Convention for the application of the Prior Informed Consent procedure for certain hazardous chemicals and pesticides in international trade were concluded in March 1998. The Convention was opened for signature at a Ministerial Diplomatic Conference held in September 1998 in Rotterdam. It was signed by the Community, which together with its Member States had participated actively in the negotiations, on 11 September 1998. The Convention represents a major set forward in the international regulation of certain hazardous chemicals, including pesticides. Its objective is to promote shared responsibility and co-operative efforts among the Parties in the international trade of such chemicals in order to protect human health and the environment from potential harm and to contribute to their environmentally sound use. In parallel to this proposed decision, the Commission has put forward a proposal for a Council Regulation to implement the Convention's provisions.?

Hazardous chemicals and pesticides, international trade: Rotterdam Convention, prior informed consent procedure

The Council noted the progress of proceedings on: - the proposal for a Decision approving, on behalf of the European Community, the Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for certain hazardous chemicals and pesticides in international trade; - the proposal for a Regulation aimed at replacing the voluntary PIC established by Regulation No 2455/92, in accordance with the Rotterdam Convention. Examination of the dossier at this stage has focused on the Member States' role in implementing the Convention and on the application of the Regulation to countries which are not Parties to the Convention. The Permanent Representatives Committee moreover spoke unanimously in favour of the use of Article 175 (environment) of the Treaty as the legal basis for both texts instead of Article 133 (common commercial policy) as originally proposed. The European Parliament must therefore also be consulted on these texts, and the

codecision procedure becomes applicable for the Regulation. The Rotterdam Convention of September 1998 aims to replace the PIC established on a voluntary basis by the Food and Agriculture Organisation of the United Nations (FAO) and the United Nations Environment Programme (UNEP) in which over 160 countries participate; both proposals are intended to apply and implement the Convention within the Community. The new Convention, signed by 73 Parties including the Community and all the Member States except Ireland, has already been the subject of 22 out of the 50 ratifications required for its entry into force. The Rotterdam Convention provides in particular that: the Parties would have the right to refuse the import of hazardous chemicals: the export of certain chemicals (currently 26 pesticides and 5 industrial chemicals) could take place only after prior consent by the importing country; Parties must inform other Parties of national restrictions on the use of hazardous chemicals; and a Party that plans to export a hazardous chemical must inform the importing Party. In addition to applying the principles established by the Convention, the proposal for a Regulation provides in particular for: extending the scope of export notification to a wider range of chemicals, extension of the PIC to chemicals that are banned or severely regulated in the Community, the possibility of banning the export of certain chemical products banned in the Community, and appropriate labelling of all chemicals exported from the Community.?

Hazardous chemicals and pesticides, international trade: Rotterdam Convention, prior informed consent procedure

The committee adopted the report by Hans BLOKLAND (EDD, NL) endorsing the proposal to approve the Rotterdam Convention, subject to a few amendments (under the consultation procedure). It wanted to amend the legal basis of the proposal, arguing that Article 175(1) was more appropriate than Article 133, given that the aim of the Convention was essentially to protect human health and the environment. Such a change in the legal basis would mean that the Convention would not be the exclusive competence of the Community, as some matters would fall within the competence of the Member States. The committee therefore adopted an amendment changing the relevant article of the proposal to reflect this. Lastly, it called for the Commission to receive a seat in the subsidiary bodies established by the Convention.?

Hazardous chemicals and pesticides, international trade: Rotterdam Convention, prior informed consent procedure

The European Parliament adopted a resolution drafted by Hans BLOKLAND (EDD, NL) requesting a change of legal basis, so that the codecision procedure would apply. (Please refer to the document dated 10/09/02.)?

Hazardous chemicals and pesticides, international trade: Rotterdam Convention, prior informed consent procedure

PURPOSE : to approve the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade. COMMUNITY MEASURE : Council Decision 2003/106/EC. CONTENT : The Convention is an important step in improving the international regulation of trade in certain hazardous chemicals and pesticides in order to protect human health and the environment from potential harm and to promote the environmentally sound use of such substances. This Decision approves the Convention, which was signed on 11 September 1998, on behalf of the European Community.?