




# Procedure file

Basic information		
CNS - Consultation procedure Decision	2006/0080(CNS)	Procedure completed
Hazardous substances: Rotterdam convention on international trade of hazardous chemicals and pesticides, legal basis		
Subject 3.70.13 Dangerous substances, toxic and radioactive wastes (storage, transport)		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Environment, Public Health and Food Safety		14/06/2006
		IND/DEM <a href="#">BLOKLAND Johannes</a>	
	Committee for opinion	Rapporteur for opinion	Appointed
	 International Trade	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	<a href="#">Competitiveness (Internal Market, Industry, Research and Space)</a>	<a href="#">2751</a>	25/09/2006
European Commission	Commission DG	Commissioner	
	<a href="#">Environment</a>	DIMAS Stavros	

Key events			
30/05/2006	Legislative proposal published	<a href="#">COM(2006)0250</a>	Summary
15/06/2006	Committee referral announced in Parliament		
06/07/2006	Vote in committee		Summary
10/07/2006	Committee report tabled for plenary, 1st reading/single reading	<a href="#">A6-0239/2006</a>	
05/09/2006	Results of vote in Parliament		
05/09/2006	Decision by Parliament	<a href="#">T6-0330/2006</a>	Summary
25/09/2006	Act adopted by Council after consultation of Parliament		
25/09/2006	End of procedure in Parliament		
28/10/2006	Final act published in Official Journal		

Technical information	
Procedure reference	2006/0080(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Decision
Legal basis	EC Treaty (after Amsterdam) EC 175-p1; EC Treaty (after Amsterdam) EC 300-p2/3-a1; EC Treaty (after Amsterdam) EC 133
Stage reached in procedure	Procedure completed
Committee dossier	ENVI/6/37341

Documentation gateway					
Legislative proposal		<a href="#">COM(2006)0250</a>	30/05/2006	EC	Summary
Committee draft report		<a href="#">PE374.451</a>	19/06/2006	EP	
Committee report tabled for plenary, 1st reading/single reading		<a href="#">A6-0239/2006</a>	10/07/2006	EP	
Text adopted by Parliament, 1st reading/single reading		<a href="#">T6-0330/2006</a>	05/09/2006	EP	Summary

Additional information	
National parliaments	<a href="#">IPEX</a>
European Commission	<a href="#">EUR-Lex</a>

Final act
<a href="#">Decision 2006/730</a> <a href="#">OJ L 299 28.10.2006, p. 0023-0025</a> Summary

## Hazardous substances: Rotterdam convention on international trade of hazardous chemicals and pesticides, legal basis

**PURPOSE** : to conclude, on behalf of the European Community, the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade

**PROPOSED ACT** : Council Decision.

**CONTENT** : the European Commission proposes that the Rotterdam Convention signed by the Community on 11 September 1998 under the auspices of the Food and Agriculture Organisation (FAO) and the United Nations Environment Programme (UNEP), should be approved on behalf of the Community.

It should be recalled that Council Decision 2003/106/EC of 19 December 2002 on the approval, on behalf of the European Community, of the Convention, of the Rotterdam Convention authorised the President of the Council to designate the person or persons empowered to deposit the instrument of approval on behalf of the Community with the Secretary-General of the United Nations. The instrument of approval, together with the declaration of competence was lodged with the depositary on 20 December 2002. The Rotterdam Convention entered into force on 24 February 2004.

In its judgment of 10 January 2006 in case C-94/03 (Commission v. Council), the Court of Justice of the EC annulled Decision 2003/106/EC as it was based solely on Article 175(1), in conjunction with Article 300 of the Treaty, ruling that both Articles 133 and 175(1), in conjunction with the relevant provisions of Article 300, were the appropriate legal basis.

The annulment of Council Decision 2003/106/EC does not affect the original Community ratification of the Convention and the EC remains a Party in accordance with the Vienna Convention on the Law of Treaties. However it is necessary to adopt a new Council Decision with the above-mentioned dual legal base together with an amended declaration of competence to be delivered to the UN depositary reflecting the change in the legal base. To avoid any legal vacuum, it is proposed that the new decision should have retroactive effect back to the date of adoption of the previous Council Decision.

As regards the required change to the legal base of the Council Regulation implementing the Convention's provisions, this, as well other amendments will be included in a separate proposal that the Commission will be putting forward.

## Hazardous substances: Rotterdam convention on international trade of hazardous chemicals and pesticides, legal basis

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The committee adopted the report by Johannes BLOKLAND (IND/DEM, NL) approving unamended - under the consultation procedure - the conclusion, on behalf of the EC, of the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade.

## Hazardous substances: Rotterdam convention on international trade of hazardous chemicals and pesticides, legal basis

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The European Parliament adopted a resolution drafted by Johannes BLOKLAND (IND/DEM, NL) and approved the conclusion of the Convention.

## Hazardous substances: Rotterdam convention on international trade of hazardous chemicals and pesticides, legal basis

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PURPOSE: to conclude the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade.

LEGISLATIVE ACT: Council Decision 2006/730/EC on the conclusion, on behalf of the European Community, of the Rotterdam Convention on the Prior Informed Consent Procedure for certain hazardous chemicals and pesticides in international trade.

CONTENT: Council Decision 2003/106/EC of 19 December 2002 on the approval of the Rotterdam Convention authorised the President of the Council to designate the person or persons empowered to deposit the instrument of approval on behalf of the Community with the Secretary-General of the United Nations. The instrument of approval, together with the declaration of competence was lodged with the depositary on 20 December 2002. The Rotterdam Convention entered into force on 24 February 2004.

In its judgment of 10 January 2006 in case C-94/03 (Commission v. Council), the Court of Justice of the EC annulled Decision 2003/106/EC as it was based solely on Article 175(1), in conjunction with Article 300 of the Treaty, and ruled that both Articles 133 and 175(1), in conjunction with the relevant provisions of Article 300, were the appropriate legal basis.

The annulment of Council Decision 2003/106/EC does not affect the original Community ratification of the Convention and the EC remains a Party in accordance with the Vienna Convention on the Law of Treaties. However it is necessary to adopt a new Council Decision with the above-mentioned dual legal base together with an amended declaration of competence to be delivered to the UN depositary reflecting the change in the legal base. To ensure legal certainty and to avoid a legal void, this Decision will take effect from the date at which Decision 2003/106/EC was adopted, and will have retroactive effect.

This Decision shall take effect from 19 December 2002.