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Susan Wingfield  
The Secretariat of the Basel, Rotterdam  
And Stockholm Conventions  
United Nations Environment Programme  
International Environment House  
11-13 ch. des Anémones  
1219 Châtelaine  
Geneva, Switzerland

6<sup>th</sup> December, 2016

Dear Ms Wingfield,

**Comments on Proposals and Options**  
***for improving the effectiveness of the process of listing chemicals in Annex III to  
the Rotterdam Convention and for enabling improved information flows that  
support the prior informed consent procedure for those chemicals***

Thank you for the opportunity to provide comments on the proposals and options listed in Annex IV of the report of the Rotterdam Intersessional Workshop in Riga in July 2016.

PAN International continues to be deeply concerned about the actions of a small number of parties and industry observers who are undermining the integrity and usefulness of the Rotterdam Convention, through their blocking of the listing of some chemicals for spurious reasons not consistent with the Convention. These actions are denying countries, which are acting in accordance with the Convention, access to information to protect their people and environment.

Our comments below reflect this concern and, in good faith, seek to find ways to improve the flow of information to countries to facilitate their sovereign decision-making with regard to hazardous chemicals and safer alternatives.

## ***Section II - Notifications of Final Regulatory Action.***

PAN International reiterates its view that there should be greater effort by Parties, assisted by the Secretariat, to ensure that when a Party has taken final regulatory action (FRA) it is notified to the secretariat.

We also support the proposals by the USA to promote the voluntary inclusion of additional information in notifications of FRAs by Parties, and for the Chemical Review Committee (CRC) Task groups to collect additional information in the FRA for inclusion in draft Decision Guidance Documents (DGDs); and by the EU to make all notifications received by the Secretariat available in their complete form (not just in a summary). These proposals will all assist better decision-making.

## ***Section III - CRC stage***

With regard to alternatives, PAN International strongly supports any moves to increase information on alternatives, and at the workshop proposed that when a chemical is listed, the Conference of the Parties (COP) directs the secretariat to collate information on alternatives, including by inviting parties and observers to provide relevant information. This is not reported under the COP section, only under the CRC stage and the proposal reported there – “Discussion of alternatives after listing” – does not adequately reflect our proposal, which we restate here: *The COP should direct the secretariat to develop a guidance document on alternatives for each listed chemical, including through consultation with parties and observers and its own collection of information, the document to be agreed by the CRC, and then go back to the COP as an Information document.* This is consistent with actions taken under the Stockholm Convention. This will provide valuable assistance to parties wishing to manage the chemical in question

We confirm our proposals for CRC documents and meetings to be in six UN languages, for governments and the COP to be reminded that CRC members are to be experts in chemicals management, and that observers should be included in task groups that report on notifications.

## ***Section IV - COP stage***

PAN International continues to believe that it is paramount that understanding of the purpose and value of the Rotterdam Convention and of the implications of listing must be improved, including made explicit at the beginning of every COP. This could be done through a specific item on the agenda, with an associated short paper that is discussed early in the meeting before listings are discussed.

Additionally, PAN International supports the proposals that Parties should act in good faith; they should respect the mandate and recommendations of the CRC; and that a code of conduct is developed for managing conflicts of interest. Further to this, and on the subject of consensus, it is our view that if countries do not act in

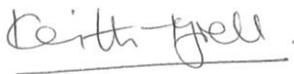
good faith, do not respect the objectives and mandate of the Convention, their objections to listing a chemical should not be taken into account when striving for a consensus.

PAN International wholeheartedly supports the proposal to amend the Convention to permit voting on listing so that it is consistent with its sister Conventions, and the integrity of the Rotterdam Convention is no longer undermined by parties seeking to block listing of a chemical for reasons that lie outside the objectives and mandate of the Convention.

PAN International also supports the proposals to adopt compliance procedures, and to collect information on world trade to identify chemicals of concern.

In PAN International's view, a chemical not accepted for listing by a COP should only be sent back to the CRC for reconsideration if there are valid scientific concerns that need to be addressed, and only those concerns should be addressed by the CRC. PAN International rejects the proposal by the International Alliance of Trade Union Organizations "Chrysotile" (IATUC) that the COP should discard chemicals not listed by consensus.

Yours sincerely,

A handwritten signature in cursive script that reads "Keith Tyrell". The signature is written in dark ink and is positioned above a horizontal line.

Dr. Keith Tyrell  
Chair of PAN International