



**Basel Convention on the Control of
Transboundary Movements of
Hazardous Wastes and their Disposal**

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**Rotterdam Convention on the Prior
Informed Consent Procedure for
Certain Hazardous Chemicals and
Pesticides in International Trade**



**Stockholm Convention on
Persistent Organic Pollutants**

**Ad hoc joint working group on enhancing cooperation and
coordination among the Basel, Rotterdam and Stockholm conventions**

Second meeting

Vienna, 10–13 December 2007

Item 3 of the provisional agenda*

**Consideration of the intersessional work undertaken by the
members of the ad hoc joint working group and by the
Secretariats of the Basel, Rotterdam and Stockholm Convention**

Information sharing among technical and scientific panels

Note by the secretariats

Attached is the thought starter on “Information sharing among technical and scientific panels” prepared by Germany and Canada for consideration by the meeting. It is presented as received and has not been edited by the secretariats.

* UNEP/FAO/CHW/RC/POPS/JWG.2/1.

INFORMATION SHARING AMONG TECHNICAL AND SCIENTIFIC PANELS

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1. Introduction

1.1 Bodies under the Basel Convention

Under the Basel Convention, the following bodies exist: COP, OEWG, Expanded Bureau, Compliance Committee and Small Intersessional Working Groups (SIWG).

Under the Basel Convention, good experiences have been made by delegating certain technical matters to a small intersessional working group working in particular by e-mail. In such cases a lead country provided the SIWG with draft technical guidelines for comment; in addition, all drafts and comments are published on the Basel website. In the past there was one SIWG on the technical guidelines on ship dismantling. Another SIWG was established for the six technical guidelines on POPs; this SIWG, which still exists, also had physical meetings on the weekend before OEWG or COP meetings.

1.2 Bodies under the Stockholm Convention

In the context of the Stockholm Convention COP only one permanent scientific body, the POPs Review Committee (POPRC), exists. The development of BAT/BEP guidelines was undertaken by a BAT/BEP expert group and an ad hoc working group has prepared work on effectiveness evaluation/ global monitoring plan and finished its work for COP3.

The result of the work of the BAT/BEP group requires cooperation with the Basel Convention as required from decision SC 3/5 that “ Invites the appropriate bodies of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal to consider the waste-related contents of the revised guidelines and guidance and to report any outcome of their doing so to the Secretariat of the Stockholm Convention and Requests the Secretariat to transmit annex II of the report of the Expert Group on the work of its second meeting to the appropriate bodies of the Basel Convention through the Secretariat of the Basel Convention in response to a request by the Conference of the Parties to the Basel Convention at its seventh meeting.”

At present, there are two other time-limited scientific technical working groups under the COP beside the POPRC, the DDT expert group and the effectiveness evaluation coordination group the latter of which also covers regional organisation groups.

DDT expert group:

This Group is based on decision SC 3/2, and is mandated to assess collected information on the production and use of DDT and its alternatives for disease vector control, with a composition of 18 representatives, out of which 10 experts are nominated by Parties, 5 are invited experts by WHO and 3 are invited experts by the Secretariat.

Effectiveness evaluation (EE)

This Group is based on decision SC 3/19 covering an

EE coordination group:

with a mandate to facilitate preparation of global monitoring report, experience sharing between regions, capacity strengthening to address gaps in data for core media where possible, the evaluation of first phase of global monitoring plan and the development of recommendations for the consideration of COP4
It is composed of 15 experts, 3 members from each UN region

EE regional organisation group:

This Group is mandated to analyse available monitoring data, the regional strategy for implementation of global monitoring plan; moreover, it should coordinate Parties, ensure the quality of methods and data, identify capacity building needs and address needs through partnerships, preparing regional reports
It is composed of, members of the coordination group and up to three more experts in each region (up to 6 members per region) and invited experts

POPRC:

Based on art 19 para 6 of the Stockholm Convention

“The Conference of the Parties shall, at its first meeting, establish a subsidiary body to be called the Persistent Organic Pollutants Review Committee for the purposes of performing the functions assigned to that Committee by this Convention. In this regard:

- (a) The members of the Persistent Organic Pollutants Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of government-designated experts in chemical assessment or management. The members of the Committee shall be appointed on the basis of equitable geographical distribution;
- (b) The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee; and
- (c) The Committee shall make every effort to adopt its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two-thirds majority vote of the members present and voting.”

and on decision SC 1/7

with a mandate as follows: “*The Committee shall make recommendations to list chemicals in Annexes A, B or C of the Convention to the Conference of the Parties. Any such recommendation from the Committee shall provide reasons as well as any dissenting views and relevant supporting documents.*

The Committee may make recommendations to the Conference of the Parties on these terms of reference and the organization and operation of the Committee. Decisions, recommendations and meeting reports of the Committee shall be available as meeting documents of the Conference of the Parties in the six official languages of the United Nations. Reports by the Committee shall be publicly available and easily accessible.

composition, The Committee shall consist of 31 members drawn from the regions identified in appendix I to the terms of reference, as follows: African States: 8, Asian and Pacific States: 8, Central and Eastern European States: 3, Latin American and Caribbean States: 5 and Western European and other States: 7. Members of the Committee shall be government-designated experts in chemical assessment or management from Parties.”

1.3 Bodies under the Rotterdam Convention

The Rotterdam Convention COP has one permanent scientific body - the Chemicals Review Committee (CRC). In the interim phase of the implementation of the Rotterdam Convention in the years 2000 to 2004 it has been an interim Chemicals Review Committee (ICRC) under the INC.

CRC:

Based on article 18 para 6 of the Rotterdam Convention

“The Conference of the Parties shall, at its first meeting, establish a subsidiary body, to be called the Chemical Review Committee, for the purposes of performing the functions assigned to that Committee by this Convention. In this regard:

- (a) The members of the Chemical Review Committee shall be appointed by the Conference of the Parties. Membership of the Committee shall consist of a limited number of government-designated experts in chemicals management.

The members of the Committee shall be appointed on the basis of equitable geographical distribution, including ensuring a balance between developed and developing Parties;

- (b) The Conference of the Parties shall decide on the terms of reference, organization and operation of the Committee;
- (c) The Committee shall make every effort to make its recommendations by consensus. If all efforts at consensus have been exhausted, and no consensus reached, such recommendation shall as a last resort be adopted by a two thirds majority vote of the members present and voting.”

and on decision RC 1/6

“the Chemical Review Committee, in accordance with the provisions of the Convention, in particular articles 5, 6, 7 and 9, shall have the following functions and responsibilities:

- (a) To make recommendations on the inclusion of banned and severely restricted chemicals: review the information provided in notifications of final regulatory actions and, in accordance with the criteria set out in Annex II to the Convention, recommend to the Conference of the Parties whether the chemical in question should be listed in Annex III;

- (b) To make recommendations on the inclusion of severely hazardous pesticide formulations: review the information provided in proposals for the inclusion of a severely hazardous pesticide formulation in Annex III and, in accordance with the criteria set out in part 3 of Annex IV to the Convention, recommend to the Conference of the Parties whether the chemical in question should be listed in Annex III;
- (c) To prepare draft decision guidance documents: for each chemical that it has decided to recommend for listing in Annex III, prepare a draft decision guidance document. The decision guidance document should, at a minimum, be based on the information specified in Annex I to the Convention or, as the case may be, Annex IV, and include information on uses of the chemical in a category other than the category for which the final regulatory action applies;
- (d) To make recommendations on the procedure for the removal of chemicals from Annex III: review information that was not available at the time of the decision to list the chemical in Annex III which indicates that its listing may no longer be justified in accordance with the relevant criteria in Annex II to the Convention or, as the case may be, Annex IV, and recommend to the Conference of the Parties whether the chemical in question should be removed from Annex III. For each chemical that the Chemical Review Committee recommends for removal from Annex III, it shall prepare a revised draft decision guidance document.

composition, Chemical Review Committee, composed of 31 members nominated by Governments and appointed by the Conference of the Parties on the basis of equitable geographical distribution, including ensuring a balance between developed and developing Parties, drawn from regions identified in annex I to the present decision, as follows: African States: 8, Asian and Pacific States: 8, Central and Eastern European States: 3, Latin American and Caribbean States: 5 and Western European and other States: 7. The members of the Chemical Review Committee shall be experts in chemicals management.”

1.4 Scope of analysis

With regard to the Basel Conventions, there are no comparable scientific bodies such as under the Rotterdam and Stockholm Convention. Therefore the proposal is for the time being to leave the Basel bodies aside for the purposes of this paper. The DDT expert group is a specialist group for the proper use and identification of alternatives for DDT with the aim to phase out DDT. It does not have any direct link to the other scientific and technical bodies of Stockholm and Rotterdam.

The effectiveness evaluation coordination/regional group(s) work contains managerial tasks, notably the collection and analysis of existing data on POPs presence in the environment and biological material. This is closely related to the work of the POPRC. The results of POPRC should be fed into the effectiveness evaluation work and vice versa. This is done under the Stockholm Convention and as it does not require coordination and cooperation between conventions this body will not be considered either in this paper. A detailed analysis will be given on POPRC (Stockholm) and CRC (Rotterdam).

In addition to that there is potential for coordination and cooperation with respect to technical issues with UNECE Subcommittee on GHS, the WCO for specific custom codes and any upcoming international agreement on mercury.

2. Status of information sharing and cooperation and coordination among the scientific subsidiary bodies CRC and POPRC

2.1 Analysis of current situation

Legal aspects

The POPs Review Committee (POPRC) under the COP of the Stockholm Convention had two meetings since November 2005 and its work is based on art 19 para 6 of the Stockholm Convention together with decision SC 1/7 on its mandate and composition. The Chemical Review Committee (CRC) under the COP of the Rotterdam Convention had three meetings since February 2005 and its work is based on art 18 para 6 of the Rotterdam Convention together with decision RC 1/6 on its mandate and composition.

Procedural aspects

For both committees (SC 1/8 for POPRC and RC 1/7 for CRC) there is a similar conflict of interest with regard to the procedure and form to be signed by each member to ensure that in the decision making of the committees its members will be able to participate free of influences that might cause a conflict of interests. Only the POPRC has a specific regime regarding confidential information submitted to the committee. This decision was taken at COP3. Up to now no confidential information has been submitted to the POPRC.

The POPRC developed at its first two meetings the following procedures and approaches

- Criteria to select experts from the roster as set forth in paragraph 1 of decision POPRC-1/2
- Standard work plans for the intersessional work to develop draft risk profiles and risk management evaluations for proposed chemicals
- Format for submission of information specified in Annex E and outline for risk profile
- Format for submission of information specified in Annex F for a risk management evaluation
- Approach for considering isomers or groups of isomers of chemicals proposed by Parties for inclusion in Annexes A, B or C of the Convention
- Listing chemicals the transformation products of which are chemicals proposed for listing in Annexes A, B and/or C to the Convention
- Intersessional work on any newly proposed chemicals

As the Rotterdam Convention was implemented voluntarily between 1998 and 2004 before entering into force in 2004 there were 5 meetings of the Interim Chemical Review Committee between 2000 and 2004. During this time proposals for listing in Annex III, definitions of terms and working procedures were discussed and finalised. This work formed the basis for the functioning of the CRC and at its 1st session in February 2005 the CRC adopted a number of working papers on working procedures and policy guidance covering a broad range of issues related to the work of the Committee. They are intended to facilitate the operation of the Committee and to help ensure consistency and transparency. They will be revised, if necessary, in the light of further experience gained.

1. Working Procedures

- Process for drafting decision-guidance documents and accompanying explanatory notes
- Working paper on preparing internal proposals and decision guidance documents for banned or severely restricted chemicals
- Working paper on preparing internal proposals and decision guidance documents for severely hazardous pesticide formulations
- Process for determining evidence of ongoing trade
- Common and recognized patterns of use of severely hazardous pesticide formulation
- Procedure for dealing with notifications of final regulatory action to ban or severely restrict a chemical - measures to promote the efficiency of intersessional work

2. Policy Guidance

- Working paper on the application of criterion (d) of Annex II
- Working paper on the preparation and use of focused summaries
- Bridging information
- Contaminants
- Risk evaluation in the context of the Rotterdam Convention

Technical aspects

The technical work of the **POPRC** is to

- Determine whether a newly proposed chemical fulfils the screening criteria of Annex D
- Determine whether a risk profile leads to the conclusion that the chemical is likely as a result of its long-range environmental transport to lead to significant adverse human health and/or environmental effects such that global action is warranted
- Prepare a risk management evaluation that includes an analysis of possible control measures for the chemical
- Recommend based on the risk profile referred and the risk management evaluation whether the chemical should be considered by the Conference of the Parties for listing in Annexes A, B and/or C.

This contains scientific work to assess the criteria in annex D and to prepare and adopt an internationally agreed risk profile (Annex E) concerning the POPs properties of the chemical (identifying a **global concern**) based on the information from the proposing party and any relevant information submitted by Parties and observers. The risk management evaluation requires expertise in socio-economic and social impacts on the regulation of POPs including the analysis of alternatives. The final decision is a proposal to ban all or restrict the problematic uses of POPs world wide through a multilateral decision of the COP (with the possibility for Parties to opt out of this decision according to art 22).

The technical work of the **CRC** is

- To make recommendations on the inclusion of banned and severely restricted chemicals in Annex III: Review of the information provided in notifications of final regulatory actions in accordance with the criteria set out in Annex II to the Convention
- To make recommendations on the inclusion of severely hazardous pesticide formulations in Annex III: Review of the information provided in proposals for the inclusion of a severely hazardous pesticide formulation in Annex III in accordance with the criteria set out in part 3 of Annex IV to the Convention
- To prepare draft decision guidance documents: For each chemical that it has decided to recommend for listing in Annex III, prepare a draft decision guidance document. The decision guidance document should, at a minimum, be based on the information specified in Annex I to the Convention or, as the case may be, Annex IV

This is scientific work to assess whether the criteria in Annex II (especially II b),

- (i) Data have been generated according to scientifically recognized methods;
- (ii) Data reviews have been performed and documented according to generally recognized scientific principles and procedures;
- (iii) The final regulatory action was based on a risk evaluation involving prevailing conditions within the Party taking the action;

are fulfilled based on the information available through, at least, two complete notifications (art 5) from two Parties from two PIC regions. The crucial decision is whether there is a **local** risk that is addressed by the ban or restriction. A similar analysis is necessary for decision making on one notification (art 6) from one party for a severely hazardous pesticide formulation by comparing it to the criteria in Annex IV part 3.

The decision guidance document (DGD) is based on the information of the complete notifications (art 5) or the notification (art 6 together with the information collected by the Secretariat from Parties and observers). This is complemented by internationally agreed information from other international sources. Therefore, the DGD is not an internationally agreed risk evaluation. It is based mainly on the information of notifying Parties. Other Parties' opinion that might differ (ban or restriction is not required) are put on the Rotterdam Convention website.

2.2 Opportunities and proposals for information sharing, coordination and cooperation

In annex 1 of this paper, one finds the chemicals that are already listed or under review for listing in the annexes of the Stockholm Convention and the Rotterdam Convention.

There is a considerable overlap as chemicals (POPs) under SC are normally banned or severely restricted in several countries. A newly developed POP that should be regulated at first nationally according to art 3 para 3 SC might not have bans/severe restrictions in different countries. This overlap suggests that there might be a potential for information sharing especially for the work on DGD and risk profiles. As the type of scientific work is quite different

- evaluate arguments for a ban/severe restrictions of at least two countries addressing **local problems** (based on health or environment effects for consumer, worker and/or the environment) and internationally agreed information in the DGD for RC
- prepare and adopt an internationally agreed risk profile concerning the POPs properties of the chemical (identifying a **global concern**) for SC

there is limited effect expected from an exchange of information about chemicals under review, DGDs and risk profiles. The POPRC requires expert in POPs (bioaccumulation, persistence, long range transport: environmental specialists), experts in toxicology/human effects and eco toxicology and experts in socio economic assessment. The CRC requires experts in risk evaluation for man (worker, consumer and the environment). There is some overlap in expertise and some experts who have worked in the CRC work/will work in the POPRC. Some Parties have members at

the same time in the POPRC and CRC and there and on the regional level there should be a cooperation of the experts from the two committees.

3. Conclusions

Any information exchange between the POPRC and the CRC on uses of chemicals and the toxicological/eco toxicological effects on the same chemical would be useful. As the results from each committee are available on the internet, this seems to be sufficiently for information exchange.

The question of chemical identity of regulated mixtures of isomers is of interest to both Conventions as clarity is needed what chemical/chemical mixture are regulated in the annexes of the Conventions and work would benefit from a closer cooperation of the Committees, for example, through one regular meeting a year of the Secretariats, the chairs and the vice chairs of the CRC and POPRC (this has not yet happened but there seem to be no barriers for this). Some procedural aspects for the intersessional work of the PORC were based on the available reports of the CRC meetings.

A coordination of the work of the two committees regarding the same chemicals is difficult because their respective work plans are based on the notifications/proposals from Parties. Especially the art 5 notifications in RC require two Parties from two regions to notify which is difficult to plan/coordinate.

The two committees could find ways to highlight discussions on chemicals that are being considered by both committees. One way would be to prepare report for tabling at the meetings of the POPRC and the CRC or through the task groups during intersessional work.

Any national/sub regional/regional activity to inform about the work of POPRC and CRC should be held together to facilitate national/sub regional/regional information sharing. This requires close cooperation of the Conventions Secretariats.

CRC has agreed to bridging information using toxicity information from various sources that are internationally acceptable such as SC. Given that Secretariat of RC can assist Parties with risk assessments under the technical assistance programme, closer coordination and sharing of information would help developing countries and countries with economies in transition to make decisions on final regulatory actions.

Annex 1

Chemicals	SC, COP, POPRC	Status	RC, COP, CRC	Status
1,2-dibromoethane (EDB)			RC	Listed
2,4,5-T and salts and esters			RC	Listed
2-naphtylamine			CRC 1	Not proposed for inclusion
4-aminobiphenyle			CRC 1	Not proposed for inclusion
4-nitrobiphenyl			CRC 2	Not proposed for inclusion
Alachlor			CRC 2	Not proposed for inclusion
Aldrin	SC	Listed	RC	Listed
Alpha hexachlorocyclohexane	POPRC 2	Under review	RC	Listed
Asbestos: Actinolite, Anthophyllite, Amosite, Crocidolite, Tremolite			RC	Listed
benzidine			CRC 1	Not proposed for inclusion
Benzidine and its salts			CRC 3	Not proposed for inclusion
Beta hexachlorocyclohexane	POPRC 2	Under review	RC	Listed
Binapacryl			RC	Listed
Bis(chloromethyl)ether			CRC 1	Not proposed for inclusion
Captafol			RC	Listed
Carbon tetrachloride			CRC 1	Not proposed for inclusion
Chlordane	SC	Listed	RC	Listed
Chlordecone	POPRC 1	Under review	CRC 1	Not proposed for inclusion

Chemicals	SC, COP, POPRC	Status	RC, COP, CRC	Status
Chlordimeform			RC	Listed
Chlorobenzilate			RC	Listed
Chrysotile asbestos			CRC 1	Proposed for inclusion, submission to COP2
			COP2	No consensus to include chrysotile asbestos
			CRC 2	Submission to COP3
			COP 3	No consensus to include chrysotile asbestos
Cyhexatin			CRC 2	Not proposed for inclusion
DDT	SC	Listed	RC	Listed
Dibromochloropropane (DBCP)			CRC 2	Not proposed for inclusion
Dicofol			CRC 2	Not proposed for inclusion
Dieldrin	SC	Listed	RC	Listed
Dinitro-ortho-cresol (DNOC)			RC	Listed
Dinoseb and its salts and esters			RC	Listed
Dioxins	SC	Listed		
Dustable powder formulations: Benomyl, Carbofuran, Thiram			RC	Listed
Endosulfan			CRC 1	Not proposed for inclusion
			CRC 2	Proposed for inclusion
			CRC 3	Submission to COP 4
Endrin	SC	Listed	CRC 1	Not proposed for inclusion

Chemicals	SC, COP, POPRC	Status	RC, COP, CRC	Status
			CRC 3	Not proposed for inclusion
Ethylene dichloride			RC	Listed
Ethylene oxide			RC	Listed
Fluoroacetamide			RC	Listed
Furans	SC	Listed		
HCH (mixed isomers)			RC	Listed
Heptachlor	SC	Listed	RC	Listed
Hexabromobiphenyl	POPRC 1	Under review		
Hexachlorobenzene (HCB)	SC	Listed	RC	Listed
Lindane	POPRC 1	Under review	RC	Listed
Mercury compounds			RC	Listed
Methamidophos (soluble liquid formation)			RC	Listed
Methamidophos			CRC 1	Not proposed for inclusion
			CRC 3	Not proposed for inclusion
Methyl bromide			CRC 1	Not proposed for inclusion
Methyl-parathion (soluble liquid formation)			RC	Listed
Methyl parathion			CRC 1	Not proposed for inclusion
			CRC 2	Not proposed for inclusion
Mirex	SC	Listed	CRC 2	Not proposed for inclusion
			CRC 3	Not proposed for inclusion
Monocrotophos			RC	Listed
Octabromodiphenyl ether	POPRC 2	Under review		

Chemicals	SC, COP, POPRC	Status	RC, COP, CRC	Status
Parathion			RC	Listed
PCDD/PCDF	SC	Listed		
Pentabromodiphenyl ether (tri, tetra, penta hexa)	POPRC 1	Under review		
Pentachlorobenzene	POPRC 2	Under review		
Pentachlorophenol and its salts and esters			RC	Listed
Perfluorooctane sulfonate (PFOS)	POPRC 1	Under review		
Phosphamidon (soluble liquid formation)			RC	Listed
Phosphamidon			CRC 1	Not proposed for inclusion
Polybrominated biphenyls (PBB)			RC	Listed
Polychlorinated Biphenyls (PCBs)	SC	Listed	RC	Listed
Polychlorinated terphenyls (PCT)			RC	Listed
Short-chained chlorinated paraffins	POPRC 2	Under review		
Tetraethyl lead			RC	Listed
Tetramethyl lead			RC	Listed
Toxaphene	SC	Listed	RC	Listed
Tributyl tin compounds			CRC 1	Not proposed for inclusion
Tributyl tin compounds			CRC 2	Proposed for inclusion
Tributyl tin compounds			CRC 3	Submission to COP4
Tris (2,3-dibromopropyl) phosphate			RC	Listed