

**Information Workshop
on Technical Implementation Aspects
Common to International Conventions
Related to Chemicals Management**

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Workshop Proceedings

**Pilot Project
Chemical Safety**



Deutsche Gesellschaft für
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Proklima International

TABLE OF CONTENTS

Abbreviations	II
1. Introduction	1
2. Opening	1
3. Organisational matters	2
4. Overview of the Rotterdam Convention (PIC) and the Stockholm Convention (POPs)	3
4.1. Rotterdam Convention	3
4.2. Stockholm Convention	4
5. The Rotterdam Convention and the Stockholm Convention: Obligations of the Parties and Technical Implementation Aspects	5
6. Common Elements of the PIC and POPs Conventions of Interest to the Montreal Protocol	6
7. Summary of Working Group Discussions	6
7.1. Working group with participants from Anglophone countries	6
7.2. Working group with participants from Francophone countries	8
8. Plenary Discussion and Résumé of the Workshop	9
9. Closing	10

ANNEXES

1 List of Participants	
2 Workshop Agenda	
3 Overview of the Rotterdam Convention (PIC) and the Stockholm Convention (POPs) (UNEP Chemicals presentation)	
4 The Rotterdam Convention and the Stockholm Convention: Obligations of the Parties and Technical Implementation Aspects (GTZ presentation)	
5 Common Elements of the PIC and POPs Conventions of Interest to the Montreal Protocol (BAuA presentation)	
6 List of Contact Addresses of Ozone Officers, PIC DNAs and POPs Focal Points (as far as already officially designated) of countries that participated in the Workshop	
7 List of PIC, POPS, and Montreal Protocol Internet Addresses	

ABBREVIATIONS

BAuA	German Federal Institute for Occupational Safety and Health
COP	Conference of Parties
CRC	Chemicals Review Committee
DGD	Decision Guidance Document
DNA	Designated National Authority
GHS	Global Harmonised System on Classification and Labelling
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
MP	Montreal Protocol
MSDS	Material Safety Data Sheet
ODS	Ozone Depleting Substances
ODSONET/AF	Ozone Officers joint network for Africa
PIC	Prior Informed Consent
POPs	Persistent Organic Pollutants
ROA	Regional Office for Africa
UNCED	United Nations Conference on Environment and Development
UNDP	United Nations Development Programme
UNEP	United Nations Environment Programme

1. Introduction

The information workshop on technical implementation aspects common to international conventions related to chemicals management was held in Windhoek, Namibia, on Saturday, 15 September 2001, back-to-back with the 5th joint ozone officers network meeting for Africa (ODSONET/AF), which was held from 11 – 14 September.

The aim of the workshop was to

- introduce the scope, content, and implementation aspects of the Rotterdam (PIC: Prior Informed Consent) Convention and the Stockholm (POPs: Persistent Organic Pollutants) Convention to the ozone officers,
- discuss from the ozone officers point of view possible common elements relevant for the implementation of the Montreal Protocol (MP), the Rotterdam (PIC) and the Stockholm Convention (POPs), and
- give indications on how to promote the discussion on the technical implementation of the conventions on country level, on creating synergy effects and making best use of available resources.

2. Opening

Mr Stoermer, Head of GTZ Proklima, welcomed the participants to the first operational cross-sector initiative between the MP and the PIC and POPs Conventions. He particularly thanked the Deputy Chief Officer of the UNEP Secretariat of the Multilateral Fund for the Implementation of the MP and the Regional Network Coordinator ODSONET/AF for joining the workshop. He mentioned the following: Despite the fact that the precautionary principle is manifested in the MP for almost ten years, alternatives to ODSs were valued only according to their ozone friendliness and not by their in some cases inherent greenhouse potential, e.g. HCFCs. The world has changed but still cross-cutting issues are not yet cross-fertilising enough. Experience made with the MP are only now beginning to bear fruits for new conventions.

Mr Kern, Project Manager of the GTZ Pilot Project Chemical Safety, introduced the aim of the workshop. He thanked the secretariats of the MP, PIC, and POPs Conventions for their unanimous support for this workshop. He especially thanked the government of Namibia for hosting this meeting. He stressed the following: It was not the intention to discuss specific forms of cooperation during this workshop, but to consider, from the ozone officers point of view, what kind of cooperation between the national authorities being responsible for the different conventions is useful and could be improved. This discussion will also be a valuable indication for technical assistance agencies supporting the implementation of the conventions.

Mr Duxmann, Deputy Chief of the German Embassy in Namibia, mentioned the following: Environmental protection has become a key issue for policy-makers all over the world. Regarding chemical substances a major break-through has been achieved with the MP for the protection of the ozone layer. With the adoption of the Rotterdam Convention to control trade

with certain hazardous chemicals and the Stockholm Convention containing a complete ban of twelve particularly hazardous substances the international community has succeeded in implementing another key requirement of the Agenda 21 adopted at the UNCED, Rio, in 1992. These conventions therefore constitute an important step ahead in promoting cooperation between industrialized and developing countries based on equal partnership. Germany, as one of the leading chemicals exporting countries worldwide, holds a particular responsibility to contribute to a global system of safe handling of hazardous substances.

Mr Tjihuike, Deputy Director of the Directorate of Industrial Development, Ministry of Trade and Industry, welcomed the participants on behalf of the Government of Namibia. He noted the following: Chemicals are part of our daily life, as health products, agrochemicals, consumer products, and in industrial production. However, the techniques of coping with the side effects of the production and use of chemicals are still in their infancy. To tackle some of the most severe problems the international community agreed on a number of legally binding instruments, like MP, PIC, and POPs. All these conventions have to be implemented on country level in the context of the national chemical management scheme, which on one hand must be tailored to the needs of the respective country, on the other hand must fulfil the obligations under the different international agreements. Capacity building for chemical safety is most effective when avoiding duplication and looking for synergy effects whenever possible. The workshop is a step in this direction.

3. Organisational matters

The workshop was attended by representatives of the following countries: Angola, Benin, Botswana, Cameroon, Central African Republic, Comores, Congo, Côte d'Ivoire, Democratic Republic of Congo, Ethiopia, Gabon, Gambia, Ghana, Guinea Bissau, Lesotho, Liberia, Malawi, Mali, Mauritania, Mauritius, Namibia, Niger, Nigeria, Sao Tomé et Príncipe, Somalia, Republic of South Africa, Swaziland, Tanzania, Togo, Uganda, Zambia, Zimbabwe.

The following organizations and institutions were represented: United Nations Development Program (UNDP), Secretariat of the Montreal Fund for the Implementation of the Montreal Protocol (UNEP), Ozone Secretariat (UNEP), Regional Network Coordinator (UNEP-ROA), UNEP Chemicals, German Federal Institute for Occupational Safety and Health (BAuA), German Technical Cooperation (GTZ) (List of participants see Annex 1).

Mr Uugwanga, Namibia was selected as chairman for the workshop.

The Agenda was adopted without changes (Annex 2). The workshop plenary was held in English and French with simultaneous translation. After the opening statements and the introductory presentations the participants split in one English speaking and one French speaking working group. Summaries of the working group findings were reported back and discussed in the final plenary.

4. Overview of the Rotterdam Convention (PIC) and the Stockholm Convention (POPs)

Mr Larsson, UNEP Chemicals, gave a presentation on the Rotterdam Convention and the Stockholm Convention describing the background, scope, provisions and current status of the conventions (presentation details see Annex 3):

4.1. Rotterdam Convention

The objective of the Rotterdam Convention is to promote shared responsibilities and cooperative efforts among parties in the international trade of certain hazardous chemicals. Exporting countries may only allow the export of chemicals which fall under the Convention if the importing country has given explicit prior informed consent (PIC).

Each party designates one or more National Authorities (DNAs), authorized to act on its behalf in the administrative functions required by the Convention.

Until now 17 pesticides, 5 severely hazardous pesticide formulations, and 5 industrial chemicals are regulated under the Convention. Other banned or severely restricted chemicals and severely hazardous pesticide formulations can be added to the Convention by defined procedures. Any party shall notify the PIC secretariat when it has banned or severely restricted a chemical. When the PIC secretariat has received notifications for the same chemical from two different PIC regions that contain the information specified in Annex I of the Convention, it forwards them to the Chemicals Review Committee (CRC) for review. The CRC recommends, in accordance with the criteria defined in Annex II, to the Conference of Parties (COP) on inclusion of the chemical.

A developing country or country with economy in transition experiencing problems within its territory caused by severely hazardous pesticide formulations (i.e. chemicals formulated for pesticidal use that produce severe health or environmental effects observable within a short period of time after single or multiple exposure, under conditions of use) can propose inclusion of this formulation in the Convention. The secretariat verifies that the proposal contains the information specified in Annex IV, and forwards it to the CRC for review. The decision on inclusion is taken by the COP. For each chemical recommended for inclusion, the CRC prepares a draft Decision Guidance Document (DGD).

Each party has to decide whether it allows the import of the individual chemicals and formulations which fall under the Convention or not. Exporting countries may only allow the export if the importing country has given explicit prior informed consent.

The Convention was adopted in Rotterdam, The Netherlands on 10 September 1998. Until now, 73 countries have signed and 16 countries have ratified the Rotterdam Convention. The Convention will enter into force after the 50th ratification.

4.2. Stockholm Convention

The objective of the Convention is to protect human health and the environment from persistent organic pollutants (POPs). The precautionary approach is acknowledged as set forth in Principle 15 of the Rio Declaration of 1992 on Environment and Development.

The Convention bans the production and use or severely restricts the release of certain POPs. It currently applies to pesticides (Aldrin, Chlordane, DDT, Dieldrin, Endrin, Heptachlor, Mirex, Toxaphene/Camphechlor), industrial chemicals (Polychlorinated Biphenyls/PCBs, Hexachlorobenzene/HCB), and highly toxic by-products of production and incineration processes (Chlorinated Dioxins and Furans, and also PCBs and HCB when byproducts). Other POPs can be added following a procedure specified in the Convention. A POPs review committee will be set up at the first COP to advise on proposals for additional POPs submitted by parties.

Specific exemptions for production and/or use are possible if a party requests and registers them. Exemptions are limited to 5 years, unless the country specifies an earlier date, withdraws it, or requests a 5-year extension. For PCBs, all parties must cease production of new PCBs immediately, and eliminate the use of in-place PCB equipment (e.g. PCB containing transformers) by the year 2025. All parties must eliminate the production and use of DDT except those that notify the POPs secretariat that they need it for disease vector control programs as long as locally safe, effective and affordable alternatives are not available and they conform with applicable World Health Organization guidelines. The COP will review the situation at its first meeting and every 3 years thereafter to see when DDT is no longer needed for disease vector control. Imports and exports of POPs are limited to shipments intended for environmentally sound disposal, or to parties with specific exemptions.

Parties with regulatory and assessment schemes for chemicals shall, in conducting assessments of new chemicals, take measures to regulate with the aim of preventing the production and use of new POPs.

Parties must promote application of available and practical measures to achieve minimisation and, where feasible, ultimate elimination of total releases of unintentionally produced by-products, e.g. dioxins, furans. Action plans have to be developed within 2 years after entry into force of the Convention and review success of the strategies every 5 years.

Stockpiles, wastes, products and articles have to be disposed of in an environmentally sound manner upon becoming wastes that consist of, contain or are contaminated by POPs.

Each party designates a National Focal Point for the exchange of information relevant to the reduction or elimination of the production, use and release as well as alternatives of POPs.

The Global Environmental Facility (GEF) has been named the principal entity of the interim financial mechanism to fund capacity building and other related activities. The Convention was adopted in Stockholm, Sweden on 22 May 2001. Until now, 98 countries have signed the Stockholm Convention and 2 countries have ratified it. The Convention will enter into force after the 50th ratification.

5. The Rotterdam Convention and the Stockholm Convention: Obligations of the Parties and Technical Implementation Aspects

Mr Kern, GTZ Pilot Project Chemical Safety, described the responsibilities of the countries for the implementation of the Rotterdam and Stockholm Conventions. He emphasised the importance of technical assistance projects in developing countries (See Annex 4 for the details of his presentation):

When starting to the implement of the Rotterdam Convention, developing countries set as first priority to establish and strengthen national infrastructures in order to ensure effective application of the Convention. Particularly

- To establish a national register and databases which include safety related information,
- To encourage the initiatives by industry to promote chemical safety, and
- To ensure that the public has access to adequate information on chemical handling, accident management, and alternatives.

The essential element of the PIC procedure is the exchange of information. Developing countries particularly need information on other countries regulatory actions, import decisions, and possible alternatives to PIC chemicals to be in the position to make their own import decisions. Direct contact with DNAs of exporting and industrialised countries is a useful tool for effective exchange of information. Furthermore, information on the PIC procedure has to be disseminated within the country to importers, exporters, customs officers, any other stakeholders and the public to raise awareness, strengthen understanding and compliance with the Convention.

Parties implementing the Stockholm Convention make comprehensive inventories of the POPs chemicals and plan the implementation of their obligations under the Convention within 2 years of the date on which the Convention enters into force. Each party must also provide statistical data on total quantities of production and use, and import and export of POPs chemicals on a regular basis.

The extent to which the developing countries will effectively implement the Stockholm Convention will depend on the availability of financial resources. The fact that sustainable economic and social development and eradication of poverty are the first and overriding priorities of the developing countries will be taken fully into account, giving due consideration to the need for the protection of human health and the environment. It is understood that the objectives of the Convention can only be achieved in the context and in accordance with the countries national development plans, priorities and programmes.

Reference was made to a paper presented by the World Bank to the 3. INC/POPs in 1999 on lessons learned under the MP and their usefulness for POPs country strategy development. Developing action plans, implementing control measures for import and export, and phasing out of chemicals may render benefits to more than one global environmental issue and should attempt to create synergies among various conventions.

6. Common Elements of the PIC and POPs Conventions of Interest to the Montreal Protocol

Mr Arndt, Federal Institute for Occupational Safety and Health, presented common elements in the MP, PIC, and POPs agreements (See Annex 5 for the details of his presentation):

All three conventions (PIC, POPs, MP) have comparable organisational structures with COPs, expert committees, secretariats, and designated national authorities for the respective convention, and have *inter alia* the following common elements:

- Ban of production/use and release reduction
- Phase out (stockpiles)
- Waste and contaminated sites
- Export/import control
- Periodical reporting of statistical data and evaluation of the implementation of the conventions
- Transfer of technology
- Information exchange (chemicals' labels, MSDS, products, alternatives)

The implementation of the conventions is based on

- Chemicals management legislation (production, use, trade, waste, enforcement)
- Awareness raising and information
- Research and development
- Monitoring and enforcement
- Technical assistance for capacity building

Technical assistance shall support the development of the infrastructure and capacity of developing countries to manage chemicals throughout their life-cycle, taking into account national regulatory activities (authorisation, notification, classification, labelling), pollution prevention, national implementation priorities, as well as international conventions, regional agreements, and the global harmonised system for classification and labelling of chemicals (GHS).

Import and export control is a key element in all three conventions. This includes licensing, control at importer and exporter site, customs declaration, application of the harmonised system of the World Customs Organization (WCO), integrated tariffs, and inspection and analysis of goods to ensure compliance of import and export with the provisions of the conventions.

7. Summary of Working Group Discussions

7.1. Working group with participants from Anglophone countries

The working group first discussed which elements were common to the implementation of the conventions at a national level, and then suggested some possible next steps. Mr Banda,

Zambia presented the summary of the working group discussions to the plenary. The interventions are summarised as follows:

Institutional matters

Coordination:

- There has to be a coordinating body, which should ensure that all environmental issues are coordinated within a country.
- A steering committee should look at the technical matters within the country.
- Focal points for individual conventions are necessary.
- Implementation needs to be done according to the conventions.

Training needs:

- Train customs officers.
- Train major stakeholders, e.g. dealers, importers, users of chemicals.

Awareness raising:

- Awareness raising and involvement of all major stakeholders is important.

Legislation and policies:

- Existing legislation has to be enforced.
- Implementation plans have to be developed.
- Inventories have to be established.
- Inspections have to be made.
- There is a need for verification of the implementation plans.
- Periodic review of implemented program is needed.

Technical matters

Priority issues:

- An implementing agency is necessary to ensure the proper implementation of the conventions.
- There is a need for financial assistance for the implementation.

Monitoring:

- Ensure that the compliances set in the conventions are monitored.
- There has to be a systematic compilation of problems related to the chemicals.
- Evaluate the efficiency of implementation.
- Define an assessment system for trade stakeholders.
- Monitor imports and exports.

Capacity building needs:

- Information dissemination
- Awareness raising
- Training of major stakeholders

Other issues:

- Technology transfer is needed.
- Research on some chemicals is needed.
- Technology should be shared in the region.
- Management of obsolete pesticide stocks is needed, e.g. monitoring of illegal dumping.

Next steps

- Organise a roundtable discussion at national level with all stakeholders for the implementation of the different conventions, e.g. about technical assistance.
- After the roundtable discussion at national level, organise a discussion forum at the regional level to identify some common approaches.
- Initiate the harmonisation of the customs training.
- Evaluate national implementation programs.
- The discussions should lead to a common approach for implementation of the three conventions as far as possible.

7.2. Working group with participants from Francophone countries

The working group discussed the synergy elements between the different conventions from institutional and implementation point of view. Mr Loumouamou, Congo presented the summary of the working group discussion to the plenary. The interventions are summarised as follows:

Institutional matters

Structure:

- All countries have different focal points for the MP, PIC and POPs.
- It is desirable to have all focal points (MP, PIC, POPs) located in the same ministry.
- The different focal points should coordinate their actions.
- Visits of experts should be organised to assist the exchange of information and experience between the different focal points.
- Implementation of the conventions is bound to institutions, not to personnel. This is the case with respect to all environmental conventions, not only MP, PIC and POPs, but also Basel Convention and Kyoto Protocol.
- Would it be an advantage to have a single umbrella authority? The problem of efficiency has to be faced.

Conditions:

- Access to information of all aspects of the different conventions is needed.
- Governmental authorities should closely exchange views and work together before taking any action.
- The different focal points should systematically exchange their experiences, particularly with respect to substances falling under different conventions. This can be achieved by routine invitations of focal points to work meetings of other focal points.
- Support is needed from national site, GEF, Secretariat to the Montreal Fund and bilateral donors to achieve an effective and coordinated approach.

Implementation aspects

Existing structures:

- Rely on existing structures on national and regional level for the exchange of information.
- Use already developed national action plans in different fields of chemical management.

Experience of authorities:

- Use the working experience of executing authorities and "do not invent the wheel again".
- It is important to have personnel continuity of the focal point staff.
- Fast implementation of legislation requires experienced personnel.
- Experience should be communicated through the focal points of the different conventions.

Integrated approach:

- Develop chemical products action plans which acknowledge the experience of already implemented action plans, e.g. implemented for certain ODSs.
- Develop an integrated manual for customs training.
- Integrate the implementation of regulations.
- Increase the awareness of target groups in the informal and industrial sectors.
- Cooperate with the private industrial sector.

8. Plenary Discussion and Résumé of the Workshop

The presentation of the PIC and POPs issues had an eye-opening effect, because information on details about other conventions is not easily available to the Ozone Officers. Expertise on chemicals and conventions is usually scattered everywhere in the government, and the different departments rarely communicate with each other. Identification of relevant national experts and systematic coordination of efforts would be an important step forward in order to use the scarce resources more effectively. The participants asked for a comparative list of contact addresses of Ozone Officers, PIC DNAs and POPs Focal Points, as well as a list of relevant Internet addresses. This information is provided in Annex 6 and 7.

The participants acknowledged unanimously that the different environmental conventions should be implemented in a coordinated manner and that a coordinating body is needed within the country to bring together all focal points for the different conventions. However, it was emphasised that coordination is different from implementation. There should be different implementation bodies for the various conventions, because the focus for implementation activities varies considerably between the different conventions. In addition, a coordination body could avoid overloading of one unit with too many tasks.

All coordination activities should rely on already existing structures and make the best use of experience and lessons learned under the individual conventions. Exchange of experience can easily be achieved by regular contacts between the different focal points, e.g. inviting focal points to work meetings of other focal points. Issues of common interest to all conventions could be planned and implemented together, e.g. customs training, development of inventories, monitoring of import/export and compliance, technology transfer, awareness raising and

involvement of all major stakeholders. This coordinated approach could be supported not only by the different national institutions, but also by multilateral and bilateral donors.

The participants identified a number of possible next steps:

- Roundtable discussions should be initiated at national levels with all stakeholders for the implementation of the different conventions.
- A coordinating body at national level could tackle common elements of all chemicals related conventions.
- Discussion should be initiated to coordinate the implementation of related regulations and national action plans for chemical products relevant to different conventions.
- The harmonisation of customs training should be promoted to include all conventions issues.
- After roundtable discussions have occurred at national levels, it will be necessary to coordinate them at a regional level too.

9. Closing

Mr Stoermer made closing remarks on behalf of GTZ. He thanked the participants for the open and constructive discussion. The ideas developed during the workshop are an excellent starting point for further in-depth discussion on “cross-cutting” issues between the different conventions dealing with chemicals management and environment protection.

Mr Uugwanga made the closing statement on behalf of the Government of Namibia, emphasising the usefulness of the information provided and of the suggestions for the future, which came up during the discussions. After the customary exchange of courtesies, he closed the workshop at 5.30 p.m.