

**AMENDMENTS TO ANNEX III  
[2005] ATS 9  
AND ADDITIONAL ANNEX VI  
[2005] ATNIF 5  
TO THE ROTTERDAM CONVENTION ON THE PRIOR INFORMED  
CONSENT PROCEDURE FOR CERTAIN HAZARDOUS CHEMICALS  
AND PESTICIDES IN INTERNATIONAL TRADE,  
DONE AT ROTTERDAM ON 10 SEPTEMBER 1998  
(GENEVA, 24 SEPTEMBER 2004)**

**Documents tabled on 11 May 2005:**

**National Interest Analysis [2005] ATNIA 10  
with attachment on consultation**

**Texts of the proposed treaty actions**

**Background information:  
Current status list**

**NATIONAL INTEREST ANALYSIS: CATEGORY 1 TREATY  
SUMMARY PAGE**

**Amendments to Annex III [2005] ATS 9, and additional Annex VI [2005] ATNIF 5,  
to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain  
Hazardous Chemicals and Pesticides in International Trade, done at Rotterdam on  
10 September 1998 (Geneva, 24 September 2004)**

**Nature and timing of Treaty Action**

1. On 24 September 2004 the first Conference of Parties (COP 1) of the Rotterdam Convention adopted amendments to Annex III in accordance with the procedure laid down in Articles 5 to 9, 21 and 22. COP 1 also adopted Annex VI in accordance with Article 20. In accordance with Article 22(5)(c) of the Convention, amendments to Annex III shall ‘enter into force for all Parties on a date to be specified in the decision [of the Conference of Parties].’ The amendments to Annex III automatically entered into force on 1 February 2005 with obligations for Parties due to take effect from December 2005 that is six months after the PIC information circular<sup>1</sup>. The new Annex VI shall enter into force for all Parties on 11 January 2006.

2. Given that the amendments to Annex III would automatically enter into force, the Minister for the Environment and Heritage, Senator the Hon Ian Campbell, wrote to the Chair of the Joint Standing Committee on Treaties (JSCOT) in August 2004 providing details of the amendments in advance and advising that this NIA would be forwarded following COP 1. The amendments were not included in the domestic ratification of the Rotterdam Convention because at that time the Intergovernmental Negotiating Committee had not approved their listing.

**Overview and National Interest Summary**

3. The amendments to Annex III includes the listing of two chemicals, the change of one already listed chemical in Annex III into a different category (from severely hazardous pesticide formulation to pesticide) and four minor amendments to previously listed chemicals to encompass their salts and esters. These amendments are intended to improve importing Parties’ knowledge about these chemicals in order to protect human health and the environment and address any impacts of the import of unwanted Annex III chemicals into countries, which have requested not to receive them. The listing of these chemicals also requires exporters and importers to engage in cooperative exchange of health and safety data information.

4. The amendments are consistent with Australia’s domestic policy and commitment to protecting human health and promoting the environmentally sound use of certain hazardous industrial chemicals and pesticides, particularly in developing countries in our region.

5. Annex VI sets out the arbitration procedure for purposes of Article 20(2)(a) and the conciliation procedure for purposes of Article 20(6). Australia supports the rules on arbitration and conciliation as contained in Annex VI and considers that dispute settlement provisions are important to the success of the Convention.

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<sup>1</sup> Under Article 11 1(b) obligations will begin six months after the PIC circular containing importing country response is circulated. Importing country responses are due by 31 October 2005, and these will be circulated on 12 December 2005. Therefore Australia is obliged to implement controls by 12 May 2006.

## Reasons for Australia to Take the Treaty Action

6. The *Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, done at Geneva on 24 September 2004* is a multilateral environmental treaty that promotes shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous industrial chemicals and pesticides in order to protect human health and the environment from potential harm, and to contribute to the environmentally sound use of those hazardous chemicals. The Convention facilitates information exchange about the industrial chemicals and pesticides, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.
7. The Rotterdam Convention entered into force generally on 24 February 2004 and Australia became a Party on 18 August 2004. At 4 April 2005, 88 countries were Party to the Rotterdam Convention. The first COP of the Convention was held in Geneva, Switzerland from 20-24 September 2004. COP 1 considered and adopted the new Annex VI and amendments to Annex III.
8. When a chemical is listed in Annex III, the obligations enter into force for all Parties on the date specified in the decision by the COP. Under Article 10, each Party is required to implement appropriate legislative or administrative measures to ensure timely decisions with respect to the import of chemicals listed in Annex III. Parties are also required to submit an import response to the Secretariat concerning the future import of the chemicals concerned.
9. Australia has domestic measures in place regarding the import and export obligations under the Convention for the other industrial chemicals listed in Annex III. (There are no domestic measures currently in place regarding the import and export of tetraethyl and tetramethyl lead).
10. The Treaty action relating to Annex III involved the following amendments:
  - The addition of tetraethyl lead and tetramethyl lead to Annex III. At COP 1 the Parties agreed that tetraethyl lead and tetramethyl lead met the criteria of Annex I and II of the Convention and therefore agreed to their listing. The listing of tetraethyl and tetramethyl lead on Annex III will require Australia to prepare an import response as required under Article 10, regarding the future import of these chemicals. Australia will also have to ensure that these chemicals are not exported to countries that do not wish to receive them.
  - Tetraethyl lead and tetramethyl lead are used as anti-knock compounds in aviation and in specialised motor racing fuels.
  - The addition of tetramethyl lead will have no effect on Australian industry and trade because information provided by the chemical industry in 2003 indicated that there was no use, import or export of this chemical in Australia.
  - Australia exports small amounts of tetraethyl lead in aviation fuel. In 2003, industry advised that less than 50 tonnes per year of aviation fuel was exported to various countries including New Zealand, other south-west Pacific countries, and Asian countries including the Republic of Korea.

- Australia's industrial chemical regulator, the National Industrial Chemicals Notification and Assessment Scheme (NICNAS), is in the process of collecting more up to date information on the uses and quantities imported and exported of tetraethyl lead and products containing it. NICNAS is also seeking information on tetramethyl lead to confirm the information provided in 2003. A notice seeking information from importers, manufacturers, exporters and users was published in the Chemical Gazette of 1 February 2005. The information will be used to prepare Australia's import response for tetraethyl lead and tetramethyl lead as required by Article 10 of the Convention.
- The second amendment to Annex III involved changing the listing of parathion from the "severely hazardous pesticide formulation" category to the "pesticide" category. Parathion was included in the original ratification documents in the "severely hazardous pesticide formulation" category, but based on notifications from two countries including Australia, COP 1 found that parathion had met the requirements for listing in the pesticide category of Annex III.
- The listing of parathion in the pesticide category will have minimal impact on Australia's current regulations as the chemical was already subject to export controls in Australia. These controls were required under the Convention in order to meet Australia's obligations as a notifying country. Due to these obligations, parathion is already controlled under Schedule 1 of the *Agricultural and Veterinary Chemicals (Administration) Regulations 1995* and Schedule 2 of the *Customs (Prohibited Exports) Regulations 1958*.

11. The Treaty action to Annex III also involved some minor descriptive changes to the following chemicals listed on Annex III of the Convention:

- '2,4,5-T': The entry to Annex III is to be amended to read '2,4,5-T and its salts and esters'.
- 'pentachlorophenol': The entry to Annex III is to be amended to read 'pentachlorophenol and its salts and esters'.
- 'dinoseb and its dinoseb salts': The entry to Annex III is to be amended to read 'Dinoseb and its salts and esters'.
- 'methyl-parathion': The entry in Annex III is to be amended to read 'methyl parathion (emulsifiable concentrates (EC) at or above 19.5% active ingredient and dusts at or above 1.5% active ingredient)'.

12. The intent in amending 2,4,5-T, pentachlorophenol, dinoseb and its dinoseb salts was to include all their salts and esters. All forms of these chemicals are listed in Schedule 1 of the *Agricultural and Veterinary Chemicals (Administration) Regulations* and Schedule 2 of the *Customs (Prohibited Exports) Regulations* and no amendments will be necessary. The entry for methyl-parathion on Annex III was simplified to the above entry from 'emulsifiable concentrates (EC) with 19.5%, 40%, 50% and 60% active ingredient and dusts containing 1.5%, 2% and 3% active ingredient'.

13. Article 20 of the Convention called for the adoption of by the COP, rules of arbitration and conciliation. At COP 1, Annex VI was adopted as per Article 20. Australia considers that dispute settlement provisions are important and provides Parties with a consistent mechanism for dealing with disputes. Australia also notes, however that recourse to arbitration and conciliation should only be made when attempts to settle disputes through negotiation or other peaceful means have been unsuccessful, as provided in Article 20(1) of the Convention.

### **Obligations**

14. As a result of the listing of tetraethyl and tetramethyl lead and the minor amendments to Annex III, international trade in these chemicals among Parties has to meet certain obligations under Articles 10 and 11 in the Convention.

15. When exporting these chemicals, all exporting Parties must comply with the import response of each importing country as provided under Article 10. An import response consists of either a final or interim decision that Parties have taken that either consents to import or not to import chemicals listed on Annex III. An import response can also include consent to import with specific conditions. Under Article 11, Parties must implement mechanisms to communicate import responses. The Treaty sets out procedures to be followed by exporting countries when a country does not supply an import response.

16. The amendments to the list of chemicals in Annex III will not add significantly to the obligations that Australia already has as a result of becoming a Party to the Convention. Australia will need to make to regulations to deal with the import responses of other Parties for tetraethyl and tetramethyl lead.

17. Under Article 20 of the Convention, Parties are obliged to make a declaration in relation to their preferred method of dispute settlement under the Treaty. A Party may declare it accepts either arbitration in accordance with procedures adopted by the Conference of the Parties to the Treaty (Annex VI), or adjudication by the International Court of Justice, or both. The effect would be to make one or the other compulsory in the event that the other Party has accepted the same obligation. Consistent with existing policy favouring compulsory dispute settlement, Australia will be making a declaration to accept both options.

### **Implementation**

18. Australia has separate schemes for the regulation of industrial chemicals and pesticides. The obligations that relate to tetraethyl and tetramethyl lead will be regulated through NICNAS under the *Industrial Chemicals (Notification and Assessment) Act 1989* (IC(NA) Act). NICNAS is a statutory scheme administered by the Australian Government Department of Health and Ageing.

19. The export obligations that exist under the Convention were implemented when Australia became a Party to the Convention. Australia introduced export controls, which require exporters to seek export authorisation for chemicals that were listed on Annex III or that were subject to an Australian notification at that time. These controls came into effect on 18 August 2004.

20. Australia's obligations under the Convention for industrial chemicals are met through regulations under section 106 of the IC(NA) Act, which sets out the requirements for exporters.

21. The listing of tetraethyl and tetramethyl lead to Annex III will require regulations under section 106 of the IC(NA) Act for imports and exports. The import regulations will reflect the current regulatory status in Australia; the export regulations, will require authorisation from the Director prior to export of the chemicals to ensure that the chemicals are exported only to countries that have agreed to accept them.

22. The obligations relating to pesticides are implemented through the Department of Agriculture, Fisheries and Forestry under the *Agricultural and Veterinary Chemicals (Administration) Act 1992* and the *Agricultural and Veterinary Chemicals (Administration) Regulations*. These regulations establish the requirements and procedures to obtain export authorisation for chemicals listed on Annex III. In addition, the Australian Customs Service, under the *Customs (Prohibited Exports) Regulations*, maintain complementary border controls to ensure exports of these chemicals comply with Australia's obligations.

23. The listing of parathion in the pesticide category and the amendments to the other four pesticides will require minor amendments to the Schedules of the *Agricultural and Veterinary Chemicals (Administration) Regulations and Customs (Prohibited Exports) Regulations*.

24. There will be no changes to the existing roles of the Australian Government and the State and Territory governments as a result of the adoption of Annex VI and the amendments to Annex III.

### **Costs**

25. The financial costs to industry will be negligible. Any costs of making regulations in order to comply with the amendments will be absorbed within Australian Government departmental budgets. There will be no costs to State/Territory Governments.

### **Regulation Impact Statement**

26. The Office of Regulation Review (Productivity Commission) has been consulted and confirms that a Regulation Impact Statement is not required.

### **Future Treaty action**

27. Any amendments to the Rotterdam Convention would be adopted by the Conference of the Parties. In accordance with Article 21, the text of any proposed amendment should be communicated to the Parties by the Secretariat at least six months before the meeting at which it is proposed for adoption. The Secretariat would normally communicate any proposed amendments to the signatories of the Treaty and for information to the Depositary.

28. In accordance with Article 21, the Parties are required to make every effort to reach agreement on any proposed amendment to this Treaty by consensus. If all efforts at consensus have been exhausted, and no agreement reached, the amendment can as a last resort be adopted by a three-fourths majority vote of the Parties present and voting at the meeting of the Conference of the Parties (Article 21).

29. Chemicals may be added to Annex III in accordance with Article 22. The procedures for adding new chemicals include:

- A minimum of two Parties from two different PIC regions notifying the Convention Secretariat of the final regulatory action they have taken domestically on the grounds of human health or the environment (Article 5), or either a developing country or a country with an economy in transition notifying the Convention Secretariat of a severely hazardous pesticide formulation (Article 6).
- The notified chemical would undergo rigorous analysis by a scientific review committee to determine if the notifications meet the criteria for listing. The review committee's recommendation to include the chemical would be advised to Parties at least six months prior to a meeting of the Conference of the Parties at which the chemical would be considered for listing (Articles 5 to 7 and Articles 21 and 22).
- Amendments to Annex III must be proposed and adopted according to the procedure laid down in Articles 5 to 9 and paragraph 2 of Article 21.
- The Conference of the Parties must take its decisions on listing chemicals in Annex III by consensus; and
- A decision to amend Annex III must forthwith be communicated to the Parties by the Depositary. The amendment enters into force for all Parties on a date to be specified in the decision.

30. Before Australia agrees to an amendment, including the addition of a new chemical, the domestic treaty-making process, including the development of a National Interest Analysis and a hearing by the Joint Standing Committee on Treaties (JSCOT), would be invoked. Every effort would be made to provide JSCOT with advice of chemicals under consideration for listing (following recommendation by the scientific committee).

### **Withdrawal or denunciation**

31. Article 28 provides for withdrawal by a Party at any time after three years from the date of entry into force for that Party. Withdrawal would take effect one year from the date of receipt by the Depositary of such notification, or at any later date specified in the withdrawal notification. Australian withdrawal would be subject to the Australian domestic treaty-making process.

### **Contact details**

Chemical Policy Section  
Department of the Environment and Heritage

**Amendments to Annex III [2005] ATS 9, and additional Annex VI [2005] ATNIF 5,  
to the Rotterdam Convention on the Prior Informed Consent Procedure for Certain  
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## **CONSULTATION**

1. Throughout the negotiations of the Treaty text, prior to and since Australia signed the Treaty, the Commonwealth Government conducted extensive consultations in relation to the possible ratification of the Treaty by Australia (see RIS [1998] ATSD 4619).
2. In respect of the amendments adopted by COP 1, stakeholders were provided with the opportunity to attend the meeting. On 3 August 2004, an invitation was sent to State and Territory government representatives, industry stakeholders and community groups with an interest in chemical management to participate in the Australian delegation at COP 1. The only response to attend the meeting was from the National Toxics Network, and their representative attended the meeting as part of the Australian delegation.
3. A letter was sent to State and Territory governments, industry and community groups on 21 December 2004, regarding the outcomes of COP 1 and the amendments that are to be made to Annex III of the Rotterdam Convention, which entered into force for all Parties to the Convention on 1 February 2005. There were no concerns raised by stakeholders regarding the amendments to the Convention.
4. As part of the consultation process, NICNAS publicised the listing of tetraethyl and tetramethyl lead in Annex III of the Convention via a notice in the Chemical Gazette of November 2004. NICNAS also contacted specific nominated Rotterdam Convention contacts in the States and Territories on 8 November 2004 via email advising them of the listing.
5. Consultation with stakeholders included:

### **Commonwealth**

- Department of Foreign Affairs and Trade
- Department of Health and Ageing
- Department of Agriculture, Fisheries and Forestry
- Department of Industry, Tourism and Resources
- Australian Customs Service

### **State and Territory Governments**

- New South Wales Department of Environment and Conservation
- Western Australia Department of Environment
- Environment, Australian Capital Territory
- Queensland Environment Protection Agency
- Victorian Environment Protection Agency
- Tasmanian Department of Primary Industries, Water & Environment
- South Australia Environment Protection Agency
- Northern Territory Department of Infrastructure, Planning and Environment



**Industry and Community organisations**

- Australian Institute of Petroleum
- National Farmers Federation
- Cement Industry Federation
- Avcare
- Plastics and Chemicals Industries Association
- Minerals Council of Australia
- World Wildlife Foundation
- Greenpeace
- National Environmental Consultative Forum

**Rotterdam Convention on the Prior Informed Consent Procedure for Certain  
Hazardous Chemicals and Pesticides in International Trade,  
done at Rotterdam on 10 September 1998**

(No information is available on which countries have accepted the Amendments to Annex III  
or Annex VI)

**List of Countries**

**Signatories: 73, Parties: 88.**

<b>Participant</b>	<b>Signature</b>	<b>Ratification, Acceptance (A), Approval (AA), Accession (a)</b>
Angola	11 Sep 1998	
Argentina	11 Sep 1998	11 Jun 2004
Armenia	11 Sep 1998	26 Nov 2003
Australia	6 Jul 1999	20 May 2004
Austria	11 Sep 1998	27 Aug 2002
Barbados	11 Sep 1998	
Belgium	11 Sep 1998	23 Oct 2002
Benin	11 Sep 1998	5 Jan 2004
Bolivia		18 Dec 2003 a
Brazil	11 Sep 1998	16 Jun 2004
Bulgaria		25 Jul 2000 a
Burkina Faso	11 Sep 1998	11 Nov 2002
Burundi		23 Sep 2004 a
Cameroon	11 Sep 1998	20 May 2002
Canada		26 Aug 2002 a
Chad	11 Sep 1998	10 Mar 2004
Chile	11 Sep 1998	20 Jan 2005
China <sup>4</sup>	24 Aug 1999	22 Mar 2005
Colombia	11 Sep 1998	
Congo	11 Sep 1998	
Cook Islands		29 Jun 2004 a
Costa Rica	17 Aug 1999	
Côte d'Ivoire	11 Sep 1998	20 Jan 2004
Cuba	11 Sep 1998	
Cyprus	11 Sep 1998	17 Dec 2004

<b>Participant</b>	<b>Signature</b>	<b>Ratification, Acceptance (A), Approval (AA), Accession (a)</b>
Czech Republic	22 Jun 1999	12 Jun 2000
Democratic People's Republic of Korea		6 Feb 2004 a
Democratic Republic of the Congo	11 Sep 1998	23 Mar 2005
Denmark <sup>5</sup>	11 Sep 1998	15 Jan 2004
Djibouti		10 Nov 2004 a
Ecuador	11 Sep 1998	4 May 2004
El Salvador	16 Feb 1999	8 Sep 1999
Equatorial Guinea		7 Feb 2003 a
Eritrea		10 Mar 2005 a
Ethiopia		9 Jan 2003 a
European Community	11 Sep 1998	20 Dec 2002 AA
Finland	11 Sep 1998	4 Jun 2004 A
France	11 Sep 1998	17 Feb 2004 AA
Gabon		18 Dec 2003 a
Gambia		26 Feb 2002 a
Germany	11 Sep 1998	11 Jan 2001
Ghana	11 Sep 1998	30 May 2003
Greece	11 Sep 1998	23 Dec 2003
Guinea		7 Sep 2000 a
Guinea-Bissau	10 Sep 1999	
Hungary	10 Sep 1999	31 Oct 2000
Indonesia	11 Sep 1998	
Iran (Islamic Republic of)	17 Feb 1999	26 Aug 2004
Israel	20 May 1999	
Italy	11 Sep 1998	27 Aug 2002
Jamaica		20 Aug 2002 a
Japan	31 Aug 1999	15 Jun 2004 A
Jordan		22 Jul 2002 a
Kenya	11 Sep 1998	3 Feb 2005
Kuwait	11 Sep 1998	
Kyrgyzstan	11 Aug 1999	25 May 2000
Latvia		23 Apr 2003 a
Liberia		22 Sep 2004 a

<b>Participant</b>	<b>Signature</b>	<b>Ratification, Acceptance (A), Approval (AA), Accession (a)</b>
Libyan Arab Jamahiriya		9 Jul 2002 a
Liechtenstein		18 Jun 2004 a
Lithuania		17 Mar 2004 a
Luxembourg	11 Sep 1998	28 Aug 2002
Madagascar	8 Dec 1998	22 Sep 2004
Malaysia		4 Sep 2002 a
Mali	11 Sep 1998	5 Jun 2003
Marshall Islands		27 Jan 2003 a
Mauritania	1 Sep 1999	
Mongolia	11 Sep 1998	8 Mar 2001
Namibia	11 Sep 1998	
Netherlands <sup>6</sup>	11 Sep 1998	20 Apr 2000 A
New Zealand <sup>7</sup>	11 Sep 1998	23 Sep 2003
Nigeria		28 Jun 2001 a
Norway	11 Sep 1998	25 Oct 2001 A
Oman		31 Jan 2000 a
Pakistan	9 Sep 1999	
Panama	11 Sep 1998	18 Aug 2000
Paraguay	11 Sep 1998	18 Aug 2003
Peru	11 Sep 1998	
Philippines	11 Sep 1998	
Portugal	11 Sep 1998	16 Feb 2005 AA
Qatar		10 Dec 2004 a
Republic of Korea	7 Sep 1999	11 Aug 2003
Republic of Moldova		27 Jan 2005 a
Romania		2 Sep 2003 a
Rwanda		7 Jan 2004 a
Saint Lucia	25 Jan 1999	
Samoa		30 May 2002 a
Saudi Arabia		7 Sep 2000 a
Senegal	11 Sep 1998	20 Jul 2001
Seychelles	11 Sep 1998	
Slovenia	11 Sep 1998	17 Nov 1999
South Africa		4 Sep 2002 a
Spain	11 Sep 1998	2 Mar 2004
Sudan		17 Feb 2005 a

<b>Participant</b>	<b>Signature</b>	<b>Ratification, Acceptance (A), Approval (AA), Accession (a)</b>
Suriname		30 May 2000 a
Sweden	11 Sep 1998	10 Oct 2003
Switzerland	11 Sep 1998	10 Jan 2002
Syrian Arab Republic	11 Sep 1998	24 Sep 2003
Tajikistan	28 Sep 1998	
Thailand		19 Feb 2002 a
Togo	9 Sep 1999	23 Jun 2004
Tunisia	11 Sep 1998	
Turkey	11 Sep 1998	
Ukraine		6 Dec 2002 a
United Arab Emirates		10 Sep 2002 a
United Kingdom of Great Britain and Northern Ireland	11 Sep 1998	17 Jun 2004
United Republic of Tanzania	11 Sep 1998	26 Aug 2002
United States of America	11 Sep 1998	
Uruguay	11 Sep 1998	4 Mar 2003

## **DECLARATIONS**

### **Declarations and Reservations**

**(Unless otherwise indicated, the text of the declarations and reservations were made upon ratification, acceptance, approval or accession.)**

#### **Austria**

Declaration:

"The Republic of Austria declares in accordance with Article 20 (2) of the Convention that it accepts both of the means of dispute settlement mentioned in Paragraph 2 as compulsory in relation to any party accepting an obligation concerning one or both of these means of dispute."

#### **European Community**

Declaration:

"The European Community declares that, in accordance with the Treaty establishing the European Community, and in particular Article 175(1) thereof, it is competent to enter into international agreements, and to implement the obligations resulting therefrom, which contribute to the pursuit of the following objectives:

Preserving, Protecting and improving the quality of the environment; protecting human health; prudent and rational utilisation of natural resources;

promoting measures at international level to deal with regional or worldwide environmental problems.

Moreover, the European Community declares that it has already adopted legal instruments, including a Regulation of the European Parliament and the Council concerning the export and import of dangerous chemicals, binding on its Member States, covering matters governed by this Convention, and will submit and update, as appropriate, a list of those legal instruments to the Secretariat of the Convention.

The European Community is responsible for the performance of those obligations resulting from the Convention which are covered by Community law in force.

The exercise of Community competence is, by its nature, subject to continuous development."

#### **Norway**

Declaration:

"In accordance with article 20 (2), [Norway declares that], with respect to any dispute concerning the interpretation or application of the Convention, it recognizes (b) Submission of the dispute to the International Court of Justice."

#### **Republic of Moldova**

Declaration:

According to article 20 of the Convention, the Republic of Moldova declares that [it] accepts both means of dispute settlement, mentioned in paragraph 2 of the article, as compulsory in relation to any Party accepting the same obligation.

#### **Syrian Arab Republic**

Declaration:

The Government of the Syrian Arab Republic has reviewed the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade, which was signed in 1998. Having given it thorough consideration:

It declares that it has already ratified the above-mentioned Convention by virtue of legislative decree No. 35 of 13 July 2003, and that it will fully comply with and respect all its provisions, while confirming that the ratification of this Convention by the Syrian Arab Republic does not in any way constitute a recognition of Israel, and that the provisions of the Convention do not imply that the Syrian Arab Republic has to deal with that State.

#### **Objections**

**(Unless otherwise indicated, the objections were received upon ratification, acceptance, approval, accession or succession)**

#### **Israel**

13 January 2004

With regard to the declaration made by the Syrian Arab Republic upon ratification :

"The Government of the State of Israel has noted that the instrument of ratification of the Syrian Arab Republic to the abovementioned Convention contains a declaration with respect to the State of Israel. The Government of the State of Israel considers that such declaration, which is explicitly of a political nature, is incompatible with the purposes and objectives of the Convention.

The Government of the State of Israel therefore objects to the aforesaid declaration made by the Syria Arab Republic"

#### **NOTES**

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*1. In accordance with article 26 (3) of the Convention, any instrument of ratification, acceptance, approval or accession deposited by a regional economic integration organization shall not be counted as additional to those deposited by member States of that organization.*

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*2. By decision RC-1/11 of 24 September 2004, adopted at its first meeting, held in Geneva from 20 to 24 September 2004, the Conference of the Parties to the above Convention adopted Annex VI, setting out the arbitration procedure for purposes of paragraph 2 (a) of article 20 of the Convention and the conciliation procedure for purposes of paragraph 6 of article 20 of the Convention.*

*In accordance with paragraph 3 (b) of article 22 of the Convention, any Party that is unable to accept an additional annex shall so notify the Depositary, in writing, within one year from the date of communication of the adoption of the additional annex by the Depositary. The Depositary shall without delay notify all Parties of any such notification received. A Party may at any time withdraw a previous notification of non-acceptance in respect of an additional annex and the annex shall thereupon enter into force for that Party subject to paragraph 3 (c) of the same article. In accordance with paragraph 3 (c), on the expiry of one year from the date of the communication by the Depositary of its adoption, Annex VI shall enter into force for all Parties that have not submitted a notification in accordance with the provisions of paragraph 3 (b).*

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*3. By decision RC-1/3 of 24 September 2004, adopted at its first meeting, held in Geneva from 20 to 24 September 2004, the Conference of the Parties to the above Convention adopted, in accordance with the procedure laid down in article 8 and paragraph 5 of article 22 of the Convention, the amendments to Annex III.*

*In accordance with paragraph 5 (c) of article 22 of the Convention, the Conference of the Parties, in the same decision, decided that "all the amendments shall enter into force on 1 February 2005, except for the amendments made by subparagraph 1 (a) and (b) of the annex to the ... decision, which shall enter into force on 1 January 2006".*

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*4. With the following declaration:*

*In accordance with the provision of article 138 of the Basic Law of the Macao Special Administrative Region of the People's Republic of China and article 153 of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China, the Government of the People's Republic of China decides that the Convention shall apply to the Macao Special Administrative Region of the People's Republic of China; it shall not apply to the Hong Kong Special Administrative Region of the People's Republic of China until the Government of China notifies otherwise.*

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*5. With a territorial exclusion in respect of the Faroe Islands and Greenland.*

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*6. For the Kingdom in Europe.*

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*7. With the following territorial exclusion: ".....consistent with the constitutional status of Tokelau and taking into account the commitment of the Government of New Zealand to the development of self-government for Tokelau through an act of self-determination under the Charter of the United Nations, this ratification shall not extend to Tokelau unless and until a Declaration to this effect is lodged by the Government of New Zealand with the Depositary on the basis of appropriate consultation with that territory."*