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**Interinstitutional File:**  
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ENV 861  
MI 948  
WTO 326  
CHIMIE 89

**'I/A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Draft Council Decision on the position to be taken on behalf of the European Union at the Conference of the Parties to the Rotterdam Convention regarding compliance procedures  
- Adoption

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1. The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (the 'Convention'), which was negotiated under the auspices of the UN Food and Agriculture Organization (FAO) and the UN Environment Programme (UNEP), was adopted on 10 September 1998 in Rotterdam, and entered into force on 24 February 2004. It was concluded by the Union by means of Council Decision 2006/730/EC<sup>1</sup>. The Convention aims to promote shared responsibility and cooperative efforts among Parties in the international trade of hazardous chemicals, in order to protect human health and the environment, and contribute to the environmentally sound use of those chemicals.

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<sup>1</sup> OJ L 299 of 28.10.2006, p. 23-25.

2. Article 17 of the Convention provides that “the Conference of the Parties shall, as soon as practicable, develop and approve procedures and institutional mechanisms for determining non-compliance with the provisions of this Convention and for treatment of Parties found to be in non-compliance”. Despite numerous attempts undertaken since 2006, it has not been possible so far for the COP to agree on compliance procedures.
3. In a renewed attempt to fulfil the requirements of Art. 17 of the Convention, a number of Parties to the Convention<sup>2</sup> proposed the text included in the Addendum to the Council Decision in subject<sup>3</sup> for consideration at the ninth meeting of the Conference of the Parties (COP 9) to be held on 29 April - 10 May 2019 in Geneva.
4. On 19 November 2018, the Commission submitted to the Council a proposal for a Council Decision on the relevant position to be taken on behalf of the European Union at COP 9<sup>4</sup>. The Working Party on the Environment (WPE) considered the proposal on 23 November 2018. On 3 December 2018, all delegations agreed to a Presidency compromise text<sup>5</sup> following an informal silence procedure.
5. It is therefore suggested, that the Permanent Representatives Committee recommend that the Council
  - as an "A" item at a forthcoming session, adopt the Decision set out in doc. 15143/18 + ADD 1 as finalised by the legal-linguists;
  - inform the European Parliament on its Decision in accordance with Article 218(10) of the TFEU.

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<sup>2</sup> Canada, Colombia, Costa Rica, Ghana, Jordan, Mali, Nigeria, Peru, Switzerland, Thailand, the United Republic of Tanzania and Zambia.

<sup>3</sup> Doc. 15143/18 ADD 1.

<sup>4</sup> Doc. 14481/18 + ADD 1.

<sup>5</sup> Doc. 14974/18.