



Manual of European Environmental Policy

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International conventions and cooperation: Chemicals (hazardous substances and pesticides)

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

Place of signature	Rotterdam
Date of signature	10.09.1998
Date of entry into force	24.02.2004
Secretariat	FAO and UNEP
Website	http://www.pic.int
Date of Council Decision on conclusion	19.12.2002 / 25.09.2006
Date of entry into force for EC	24.02.2004
Reference of Council Decisions	2003/106/EC (annulled by the ECJ on 10.01.2006) (new Decision following annulment)

The Convention was negotiated under the joint auspices of the United Nations Food and Agriculture Organisation (FAO) and the United Nations Environment Programme (UNEP). It replaced an earlier set of voluntary guidelines established by UNEP and FAO in 1989 and aims to improve international Regulation on the import and export of certain hazardous chemicals, including pesticides; radioactive materials were not covered by that regime. It requires notification prior to the first export of chemicals listed in Annex III or chemicals banned or severely restricted in the country of export. For chemicals not listed in Annex III, notification is also required for the first export in each subsequent year. PIC was already embodied in EC legislation under Regulation (EEC) No [2455/92](#). The main revisions needed related to timing and frequency of prior export notifications, and the level of information required, and the introduction of provisions relating to technical assistance for developing countries. Regulation (EC) No [304/2003](#) took account of the additional requirements of The Convention. In 2008 this Regulation was replaced by Regulation (EC) No [689/2008](#), as it was annulled by the Court of Justice in 2006 (see section on import and export of dangerous chemicals).

The legal basis of the Council Decision on the conclusion of the Rotterdam Convention and Regulation (EC) No 304/2003 became the subject of litigation between the Commission and the Council. Since the PIC procedure relates to international trade, the Commission had proposed reference to Article 133 of the EC Treaty (common commercial policy) as a legal basis, but the Council had rejected this and referred instead to Article 175(1) (environmental policy) in its Decision 2003/106/EC (Articles 207 and 192 TFEU, respectively). The Commission brought an action before the ECJ, which decided to annul the Council Decision in a judgment of 10 January 2006. ([Case C-94/03](#)) However, the Court did not follow the Commission's argument all the way, since it ruled that the Decision should have been based

jointly on Articles 133 and 175(1), rather than exclusively on Article 133. The Court found that the measure fell both within the scope of the common commercial policy and environmental policy and that a dual legal basis was therefore justified. As a result, the Council had to adopt a new Decision based on the appropriate Treaty provisions, which it did on 25 September 2006. This legal setback for the Council did not, however, affect the validity of the EC's approval of The Convention as a matter of international law.

The fifth Conference of the Parties (COP5) to the Rotterdam Convention was held in Geneva on 20-24 June 2011. During the conference it was agreed to list the three pesticides alachlor, aldicarb and endosulfan in Annex III to the Convention, thus making them subject to the called PIC procedure. However, Canada, Ukraine, Kazakhstan, Kyrgyzstan and Vietnam blocked the proposal to add chrysotile, also known as white asbestos, to Annex III.

Regulation (EC) No [689/2008](#) concerning the export and import of dangerous chemicals implements the Rotterdam Convention within the EU (see section on [Export and import of dangerous chemicals](#)).

Convention on Persistent Organic Pollutants (Stockholm Convention)

Place of signature	Stockholm
Date of signature	22.05.2001
Date of entry into force	17.05.2004
Secretariat	UNEP Chemicals
Website	http://www.pops.int/
Date of Council Decision on conclusion	14.10.2004
Date of entry into force in EC	17.05.2004
Reference of Council Decision	2006/507/EC

The Convention was negotiated within the framework of UNEP and was adopted and opened for signature in Stockholm in May 2001. Its main objective is the elimination of intentionally produced Persistent Organic Pollutants (POPs) and the continuous minimization or, where feasible, ultimate elimination of those POPs that are unintentional by-products. The Convention provides a framework to ensure the elimination/minimization of 12 priority POPs that are also included in the United Nations Economic Commission for Europe (UNECE) Persistent Organic Pollutants [Protocol](#) to The Convention on Long Range Transboundary Air Pollution (see section on International Conventions and cooperation: Air Quality). These 12 are aldrin, chlordane, DDT, dieldrin, endrin, heptachlor, mirex, toxaphene, polychlorinated biphenyls, hexachlorobenzene, dioxins and furans. At the fourth Conference of the Parties (COP) held in May 2009 in Geneva, an agreement was reached to add nine more chemicals to the POPs Convention. These chemicals are chlordecone, penta-BDE, hexabromobiphenyl, lindane, persistent perfluorinated compounds PFOS, octa-BDE, pentachlorobenzene, alpha-HCH and beta-HCH. The POPs Convention has been implemented in EC law by Regulation (EC) No [850/2004](#). This Regulation has been amended to reflect the agreements made at the fourth COP meeting through the amending Regulations (EU) No [756/2010](#) and (EU) No [757/2010](#).

Convention for the Protection of the Ozone Layer (Vienna Convention)

Place of signature	Vienna
Date of signature	22.03.1985
Date of entry into force	22.09.1988
Secretariat	UNEP Ozone Secretariat
Website	http://www.unep.org/ozone
Date of Council Decision on conclusion	14.10.1988
Date of entry into force in EC	15.01.1989
Reference of Council Decision	88/540/EEC (OJ L297 31.10.1988)

Protocol on Substances that Deplete the Ozone Layer (Montreal Protocol)

Place of signature	Montreal
Date of signature	16.09.1987
Date of entry into force	01.01.1989
Date of Council Decision on conclusion	14.10.1988
Date of entry into force for EC	16.03.1989
Reference of Council Decision	88/540/EEC (OJ L297 31.10.1988)

Amendments to the Montreal Protocol

Place of adoption (amendments)	London / Copenhagen / Montreal / Beijing
Date of adoption	29.06.1990 / 25.11.1992 / 17.09.1997 / 03.12.1999
Date of entry into force	10.08.1992 / 14.06.1994 / 10.11.1999 / 25.02.2002
Date of Council Decision on conclusion	12.12.1991 / 02.12.1993 / 17.10.2000 / 04.03.2002
Date of entry into force for EC	10.08.1992 / 18.02.1996 / 15.02.2001 / 23.06.2002
Reference of Council Decision	91/690/EEC (OJ L377 31.12.1991) (London amendment)
	94/68/EC (OJ L33 07.02.1994) (Copenhagen amendment)
	2000/646/EC (OJ L272 25.10.2000) (Montreal amendment)
	2002/215 (OJ L72 14.03.2002) (Beijing amendment)

The Vienna Convention was the first global environmental treaty concerned with the atmosphere. The EC is a party. It is probable that the Protocol could not have been ratified by most Member States, thus enabling it to come into force in 1989, if Regulation (EEC) No 3322/88 had not promptly provided the necessary implementing legislation in the Member States. Regulation (EEC) No 3322/88 has been amended and replaced several times in parallel with successive amendments to the Montreal Protocol itself. Often, EC legislation goes beyond the minimum requirements of the Protocol. The current internal EC legislative act is Regulation (EC) [No 1005/2009](#).