



Attention: European Parliament ENVI Committee Members

December 16<sup>th</sup> 2011,

Subject: **1<sup>st</sup> Reading PIC recast - 20<sup>th</sup> December 2011**

Dear Member of ENVI Committee,

On December 20<sup>th</sup> you will vote on Commission proposal (2011)0245) for a regulation concerning the export and import of dangerous chemicals or in short the “Prior Informed Consent” (PIC) recast. WECF (Women in Europe for a Common Future), which has been observer to the Rotterdam Convention and SAICM process for years and follows closely, as well as its partners, European Environment Bureau and Réseau Environnement Santé EU chemicals policy developments, would like to urge you to **ensure that the PIC recast will not compromise health and environment protection objectives, especially where the right to information of populations of vulnerable developing countries on imported hazardous chemicals and pesticides is concerned.** Therefore, we urge you to consider the following:

**Guarantee effectiveness of the PIC regulation by an adequate interpretation of the term “hazardous chemicals/pesticides”:**

- **Support Amendment 5 to article 14.7** of rapporteur Dan Jorgensen to ensure inclusion in the substances excluded from PIC derogation regime of all categories of hazardous substances classified CMR 1A or 1B under CLP regulation or PBT/vPvB and endocrine disrupting substances under REACH regulation EC No 1906/2006.
- **Consider the inclusion in this list of article 14.7 of substances of Annex XIV (substances as very high concern)<sup>1</sup> and substances of Candidate List of REACH regulation EC No 1906/2006.**

**Guarantee an equal right to know to Parties and non-Parties to the Rotterdam Convention:**

- **Reject amendment 18 to Recital 20:** Equal treatment of countries by the EU, whether or not Parties to the Convention is an important element of the current PIC regulation<sup>2</sup>. Such treatment should be maintained to ensure the effectiveness of the regulation.

**Ensure considering the risks for human health and the environment when dealing with export of hazardous chemicals to developing countries/economies in transition :**

- **Reject amendment 50 to article 21.1:** The European Commission recognizes that “global solidarity”<sup>3</sup> is one of the aims pursued by the PIC regulation recast. Existing data on

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<sup>1</sup> List of SVHC subject to authorization: <http://echa.europa.eu/web/guest/addressing-chemicals-of-concern/authorisation/recommendation-for-inclusion-in-the-authorisation-list/authorisation-list>

<sup>2</sup> Recital 6 of Regulation (EC) 698/2008 states that « [...] This export notification procedure should apply to Community exports to all third countries, whether or not they are Parties to the Convention or participate in its procedures. [...] ».

consequences of chronic exposure to hazardous chemicals/pesticides<sup>4</sup>.underline the necessity of promoting technical assistance and taking into account the needs of developing countries. Both are essential to the effectiveness of the PIC regulation provisions, and are part of the Rotterdam Convention: they cannot be excluded from the new PIC regulation.

**Secure the role of non governmental organizations in helping implement PIC regulation and Rotterdam Convention:**

- **Reject amendment 18 to Recital 20:** The role of civil society, especially NGOs is key in helping in the implementation of Rotterdam Convention and PIC regulation, since they operate on the field and are connected to the needs of the target groups. They are observers to Rotterdam Convention and active stakeholders of chemicals and health management processes, whether international or European.

**Ensure competences are appropriately shared between Commission, Member States and ECHA authorities:**

- **Support Amendments 1, 2 and 3 to article 5.1** of rapporteur Dan Jorgensen to reflect shared competences at EU level between the European Commission and Member States regarding commercial and environmental policies.
- **Reject amendments 10, 11, 13.**

**Enhance transparency, generation and access to relevant data on hazardous chemicals/pesticides exports by EU exporters:**

- **Reject amendment 15 to recital 11 and reinstate Commission proposal:** Information exchange and access to information especially with developing countries and countries with economies in transition should be continued and enhanced.
- **Reject amendment 17 to recital 19 and reinstate Commission proposal:** The CLP and GHS processes, supported by the EU and implemented at global level, are a good start for a common understanding of warnings and declarations. Using common codes would enhance transparency of the whole process.
- **Reject amendment 32 to Article 8.2.1:** Even if the substance was already notified before, each export deserves a notification, in order to ensure transparency on exports of hazardous chemicals and facilitate the work and compilation of data by DNAs.

We are confident that you will take the above into account in order to serve the interests of health and environment protection and enhance EU commitment to a global sound chemicals management, and are available for any request you may have.

Yours sincerely,

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<sup>3</sup> Commission proposal 2011/0105 (COD)

<sup>4</sup> According to UN Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights "47,000 persons die as a result of acute poisoning from hazardous chemicals, but many more develop serious, life-threatening diseases like various forms of cancer associated with chronic, low-level exposure to hazardous chemicals, particularly pesticides."  
<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=9885&LangID=E>