Council Decision (EU) 2019/53 of 20 December 2018 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

COUNCIL DECISION (EU) 2019/53

of 20 December 2018

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

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 192(1) and 207(3), in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

(1) The Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade ('the Convention') was concluded on behalf of the Union by means of Council Decision 2006/730/EC[(1)] and entered into force on 24 February 2004.

(2) Pursuant to Article 22 of the Convention, the Conference of the Parties may adopt additional annexes to the Convention that relate to procedural, scientific, technical or administrative matters.

(3) At the 9th ordinary meeting of the Conference of the Parties, which is to take place from 29 April to 10 May 2019, the Parties will consider the adoption of an additional procedural annex in order to introduce a non-compliance mechanism as required by Article 17 of the Convention.

(4) It is appropriate to establish the position to be taken on the Union's behalf in the Conference of the Parties, as the additional procedural annex will be binding on the Union.

(5) The Union reaffirms that it is crucial to promote and to commit globally towards a better implementation of multilateral environmental agreements and standards.

(6) To the extent that the Convention falls both within the competence of the Union and the competence of the Member States, the Commission and the Member States should cooperate closely for the adoption of a compliance mechanism, aiming for unity in the international representation of the Union,

HAS ADOPTED THIS DECISION:

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/53. (See end of Document for details)*

Article 1

The position to be taken on the Union's behalf in the upcoming Conference of the Parties to the Rotterdam Convention shall be to support the draft act on compliance attached to this Decision.

Minor changes to the draft act on compliance attached to this Decision may be agreed to, in the light of developments at the upcoming Conference of the Parties, by representatives of the Union, in consultation with Member States, during on-the-spot coordination meetings, without a further decision of the Council.

Article 2

This Decision shall enter into force on the date of its adoption.

Article 3

This Decision shall be published in the *Official Journal of the European Union*.

Done at Brussels, 20 December 2018.

For the Council

The President

E. KÖSTINGER

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (EU) 2019/53. (See end of Document for details)*

ANNEX

Draft decision RC-9/[]: Procedures and mechanisms on compliance with the Rotterdam ConventionSubmission by …

Decides to adopt Annex VII to the Convention, setting out procedures and mechanisms on compliance with the Rotterdam Convention, as contained in the annex to the present decision.

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (EU) 2019/53. (See end of Document for details)*

Appendix

Annex VII: Procedures and mechanisms on compliance with the Rotterdam Convention

(1) A compliance committee (hereinafter referred to as 'the Committee') is hereby established.

Members

(2) The Committee shall consist of 15 members. Members shall be nominated by parties and elected by the Conference of the Parties on the basis of equitable geographical representation of the five regional groups of the United Nations.

(3) Members shall have expertise and specific qualifications in the subject matter covered by the Convention. They shall serve objectively and in the best interests of the Convention.

Election of members

(4) At its first meeting after the entry into force of this annex, the Conference of the Parties shall elect eight members of the Committee for one term and seven members for two terms. The Conference of the Parties shall, at each ordinary meeting thereafter, elect for two full terms new members to replace those members whose period of office has expired or is about to expire. Members shall not serve for more than two consecutive terms. For the purpose of this annex, 'term' shall mean the period that begins at the end of one ordinary meeting of the Conference of the Parties and ends at the end of the next ordinary meeting of the Conference of the Parties.

(5) If a member of the Committee resigns or is otherwise unable to complete his or her term of office or to perform his or her functions, the party who nominated that member shall nominate an alternate to serve for the remainder of the term.

Officers

(6) The Committee shall elect its own Chair. A vice-chair and a rapporteur shall be elected, on a rotating basis, by the Committee in accordance with rule 30 of the rules of procedure of the Conference of the Parties.

Meetings

(7) The Committee shall hold meetings as necessary and wherever possible in conjunction with meetings of the Conference of the Parties or other Convention bodies.

(8) Subject to paragraph 9 below, the meetings of the Committee shall be open to parties and the public unless the Committee decides otherwise.

When the Committee is dealing with submissions pursuant to paragraph 12 or 13, the meetings of the Committee shall be open to parties and closed to the public unless the party whose compliance is in question agrees otherwise.

The parties or observers to whom the meeting is open shall not have a right to participate in the meeting unless the Committee and the party whose compliance is in question agree otherwise.

(9) Where a submission is made with regard to the possible non-compliance of a party, it shall be invited to participate in the consideration of the submission by the Committee. Such a party, however, may not take part in the elaboration and adoption of a recommendation or conclusion of the Committee.

(10) The Committee shall make every effort to reach agreement on all matters of substance by consensus. Where this is not possible, the report shall reflect the views of all the Committee members. If all efforts to reach consensus have been exhausted and no agreement has been