

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2007 Nr. 197

A. TITEL

*Verdrag van Rotterdam inzake de procedure met betrekking tot
voorafgaande geïnformeerde toestemming ten aanzien van bepaalde
gevaarlijke chemische stoffen en pesticiden in de internationale
handel;
(met Bijlagen)
Rotterdam, 10 september 1998*

B. TEKST

De Engelse en de Franse tekst van het Verdrag, met Bijlagen, zijn geplaatst in *Trb.* 1999, 30.

In *Trb.* 1999, 30 dient in de Engelse tekst de volgende correctie te worden aangebracht:

Pag. 44, Bijlage I, eerste alinea, onderdeel d, dient te luiden: „Code numbers: Chemical Abstracts Service (CAS) number, Harmonized System customs code and other numbers;”

Bij besluit RC-1/3 van 24 september 2004 heeft de Conferentie van Partijen wijzigingen van Bijlage III aangenomen. De Engelse tekst van deze wijzigingen luidt als volgt:

7. The following entries shall be listed in the three columns after the entry for "Mercury compounds":

Monocrotophos	6923-22-4	Pesticide
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Parathion	56-38-2	Pesticide
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8. In the first column, the entry for "Pentachlorophenol" shall be replaced by "Pentachlorophenol and its salts and esters".

9. The following entries shall be listed in the three columns after the entry for "Pentachlorophenol":

Toxaphene	8001-35-2	Pesticide
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Dustable powder formulations containing a combination of:		Severly hazardous pesticide formulation
– Benomyl at or above 7 per cent,	17804-35-2	
– Carbofuran at or above 10 per cent,	1563-66-2	
and		
– Thiram at or above 15 per cent	137-26-8	

10. In the first column, the entry for "Methyl-parathion (emulsifiable concentrates (EC) with 19.5%, 40%, 50%, 60%, active ingredient and dusts containing 1.5%, 2% and 3% active ingredient)" shall be replaced by "Methyl-parathion (emulsifiable concentrates (EC) at or above 19.5% active ingredient and dusts at or above 1.5% active ingredient)".

11. The following entry shall be listed in the three columns after the entry for "Methyl-parathion":

Asbestos:		
– Actinolite	77536-66-4	Industrial
– Anthophyllite	77536-67-5	Industrial
– Amosite	12172-73-5	Industrial
– Crocidolite	12001-28-4	Industrial
– Tremolite	77536-68-6	Industrial

12. The following entries shall be listed in the three columns after the entry for "Polychlorinated terphenyls":

Tetraethyl lead	78-00-2	Industrial
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Tetramethyl lead	75-74-1	Industrial
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13. In the second column of the entry for "2,4,5-T", "93-76-5" shall be replaced by "93-76-5*"; in the second column of the entry for "Dinoseb and dinoseb salts", "88-85-7" shall be replaced by "88-85-7*"; in the second column of the entry for "Pentachlorophenol", "87-86-5"

shall be replaced by “87-86-5*”; and the following footnote shall be inserted at the end of Annex III:

* Only the CAS numbers of parent compounds are listed. For a list of other relevant CAS numbers, reference may be made to the relevant decision guidance document.

Bij besluit RC-1/11 van 24 september 2004 heeft de Conferentie van Partijen een nieuwe Bijlage VI aangenomen. De Engelse tekst van deze Bijlage luidt als volgt:

Annex VI to the Rotterdam Convention

(Decision RC-1/11 of the Conference of the Parties)

Settlement of disputes

A. Rules on arbitration

The arbitration procedure for purposes of paragraph 2 (a) of article 20 of the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade shall be as follows:

Article 1

1. A Party may initiate recourse to arbitration in accordance with article 20 of the Convention by written notification addressed to the other Party to the dispute. The notification shall be accompanied by a statement of the claim, together with any supporting documents, and shall state the subject matter for arbitration including, in particular, the articles of the Convention the interpretation of application of which are at issue.

2. The claimant Party shall notify the secretariat that the Parties are referring a dispute to arbitration pursuant to article 20. The written notification of the claimant Party shall be accompanied by the statement of claim and the supporting documents referred to in paragraph 1 above. The secretariat shall forward the information thus received to all Parties.

Article 2

1. In disputes between two Parties, an Arbitral Tribunal shall be established. It shall consist of three members.

2. Each of the Parties to the dispute shall appoint an arbitrator and the two arbitrators so appointed shall designate by common agreement the third arbitrator, who shall be the President of the Tribunal. The President of the Tribunal shall not be a national of one of the Parties to the dispute, nor have his or her usual place of residence in the territory of one of these Parties, nor be employed by any of them, nor have dealt with the case in any other capacity.

3. In disputes between more than two Parties, Parties in the same interest shall appoint one arbitrator jointly by agreement.

4. Any vacancy shall be filled in the manner prescribed for the initial appointment.

5. If the Parties do not agree on the subject matter of the dispute before the President of the Arbitral Tribunal is designated, the Arbitral Tribunal shall determine the subject matter.

Article 3

1. If one of the Parties to the dispute does not appoint an arbitrator within two months of the date on which the respondent Party receives the notification of the arbitration, the other Party may inform the Secretary-General of the United Nations who shall make the designation within a further two-month period.

2. If the President of the Arbitral Tribunal has not been designated within two months of the date of the appointment of the second arbitrator, the Secretary-General of the United Nations shall, at the request of a Party, designate the President within a further two-month period.

Article 4

The Arbitral Tribunal shall render its decisions in accordance with the provisions of the Convention and international law.

Article 5

Unless the parties to the dispute agree otherwise, the Arbitral Tribunal shall determine its own rules of procedure.

Article 6

The Arbitral Tribunal may, at the request of one of the Parties, recommend essential interim measures of protection.

Article 7

The Parties to the dispute shall facilitate the work of the Arbitral Tribunal and, in particular, using all means at their disposal, shall:

- a) Provide it with all relevant documents, information and facilities; and
- b) Enable it, when necessary, to call witnesses or experts and receive their evidence.

Article 8

The Parties and the arbitrators are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the Arbitral Tribunal.

Article 9

Unless the Arbitral Tribunal determines otherwise because of the particular circumstances of the case, the costs of the Tribunal shall be borne by the Parties to the dispute in equal shares. The Tribunal shall keep a record of all its costs and shall furnish a final statement thereof to the Parties.

Article 10

A Party that has an interest of a legal nature in the subject matter of the dispute which may be affected by the decision in the case, may intervene in the proceedings with the consent of the Arbitral Tribunal.

Article 11

The Arbitral Tribunal may hear and determine counterclaims arising directly out of the subject matter of the dispute.

Article 12

Decisions of the Arbitral Tribunal on both procedure and substance shall be taken by a majority vote of its members.

Article 13

1. If one of the Parties to the dispute does not appear before the Arbitral Tribunal or fails to defend its case, the other Party may request the

Tribunal to continue the proceedings and to render its decision. Absence of a Party or failure of a Party to defend its case shall not constitute a bar to the proceedings.

2. Before rendering its final decision, the Arbitral Tribunal must satisfy itself that the claim is well founded in fact and law.

Article 14

The Arbitral Tribunal shall render its final decision within five months of the date on which it is fully constituted, unless it finds it necessary to extend the time limit for a period which should not exceed five more months.

Article 15

The final decision of the Arbitral Tribunal shall be confined to the subject matter of the dispute and shall state the reasons on which it is based. It shall contain the names of the members who have participated and the date of the final decision. Any member of the Tribunal may attach a separate or dissenting opinion to the final decision.

Article 16

The award shall be binding on the parties to the dispute. The interpretation of the Convention given by the award shall also be binding upon a Party intervening under article 10 above insofar as it relates to matters in respect of which that Party intervened. The award shall be without appeal unless the parties to the dispute have agreed in advance to an appellate procedure.

Article 17

Any controversy which may arise between those bound by the final decision in accordance with article 16 above, as regards the interpretation or manner of implementation of that decision, may be submitted by any of them for decision to the Arbitral Tribunal which rendered it.

B. Rules on conciliation

The conciliation procedure for purposes of paragraph 6 of article 20 of the Convention shall be as follows.

Article 1

1. A request by a party to a dispute to establish a conciliation commission in consequence of paragraph 6 of article 20 shall be addressed in writing to the Secretariat. The Secretariat shall forthwith inform all Parties accordingly.

2. The conciliation commission shall, unless the parties otherwise agree, be composed of five members, two appointed by each Party concerned and a President chosen jointly by those members.

Article 2

In disputes between more than two parties, parties in the same interest shall appoint their members of the commission jointly by agreement.

Article 3

If any appointments by the parties are not made within two months of the date of receipt by the Secretariat of the written request referred to in article 1, the Secretary-General of the United Nations shall, upon request by a party, make those appointments within a further two-month period.

Article 4

If the President of the conciliation commission has not been chosen within two months of the fourth member of the commission being appointed, the Secretary-General of the United Nations shall, upon request by a party, designate the President within a further two-month period.

Article 5

1. The conciliation commission shall, unless the parties to the dispute otherwise agree, determine its own rules of procedure.

2. The parties and members of the commission are under an obligation to protect the confidentiality of any information they receive in confidence during the proceedings of the commission.

Article 6

The conciliation commission shall take its decisions by a majority vote of its members.

Article 7

The conciliation commission shall render a report with recommendation for resolution of the dispute within twelve months of being established, which the parties shall consider in good faith.

Article 8

Any disagreement as to whether the conciliation commission has competence to consider a matter referred to it shall be decided by the commission.

Article 9

The costs of the Commission shall be done by the parties to the dispute in shares agreed by them. The Commission shall keep the record of all its costs and shall furnish a final statement thereof to the parties.

C. VERTALING

Zie *Trb.* 1999, 202.

In *Trb.* 1999, 202 dient de volgende correctie te worden aangebracht:
Pag. 22, Bijlage I, eerste alinea, onderdeel d, dient te luiden: „Code-nummers: Chemical Abstracts Service (CAS) nummer, douanecode van het Geharmoniseerde Systeem en andere nummers;”

D. PARLEMENT

Zie *Trb.* 2004, 9.

De in rubriek B hierboven afgedrukte wijzigingen van 24 september 2004 van Bijlage III behoeften ingevolge artikel 7, onderdeel f, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

De in rubriek B hierboven afgedrukte nieuwe Bijlage VI heeft ingevolge artikel 7, onderdeel b, van de Rijkswet goedkeuring en bekendmaking verdragen niet de goedkeuring van de Staten-Generaal.

E. PARTIIGEGEVENS

Zie rubriek E van *Trb.* 1999, 30 en rubriek F van *Trb.* 2004, 9.

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Angola	11-09-98					
Argentinië	11-09-98	11-06-04	R	09-09-04		
Armenië	11-09-98	26-11-03	R	24-02-04		
Australië	06-07-99	20-05-04	R	18-08-04		
Barbados	11-09-98					
België	11-09-98	23-10-02	R	24-02-04		
Belize		20-04-05	T	19-07-05		
Benin	11-09-98	05-01-04	R	04-04-04		
Bolivia		18-12-03	T	17-03-04		
Bosnië-Herzegovina		19-03-07	T	17-06-07		
Brazilië	11-09-98	16-06-04	R	14-09-04		
Bulgarije		25-07-00	T	24-02-04		
Burkina Faso	11-09-98	11-11-02	R	24-02-04		
Burundi		23-09-04	T	22-12-04		
Canada		26-08-02	T	24-02-04		
Chili	11-09-98	20-01-05	R	20-04-05		
China	24-08-99	22-03-05	R	20-06-05		
Colombia	11-09-98					
Congo, Demo-cratische Repu-bliek	11-09-98	23-03-05	R	21-06-05		
Congo, Repu-bliek	11-09-98	13-07-06	R	11-10-06		
Cook-eilanden		29-06-04	T	27-09-04		
Costa Rica	17-08-99					
Cuba	11-09-98					

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Cyprus	11-09-98	17-12-04	R	17-03-05		
Denemarken	11-09-98	15-01-04	R	14-04-04		
Djibouti		10-11-04	T	08-02-05		
Dominica		30-12-05	T	30-03-06		
Dominicaanse Republiek, de		24-03-06	T	22-06-06		
Duitsland	11-09-98	11-01-01	R	24-02-04		
Ecuador	11-09-98	04-05-04	R	02-08-04		
EG (Europese Gemeenschap)	11-09-98	20-12-02	R	24-02-04		
El Salvador	16-02-99	08-09-99	R	24-02-04		
Equatoriaal Guinee		07-02-03	T	24-02-04		
Eritrea		10-03-05	T	08-06-05		
Estland		13-06-06	T	11-09-06		
Ethiopië		09-01-03	T	24-02-04		
Filippijnen, de	11-09-98	31-07-06	R	29-10-06		
Finland	11-09-98	04-06-04	R	02-09-04		
Frankrijk	11-09-98	17-02-04	R	17-05-04		
Gabon		18-12-03	T	17-03-04		
Gambia		26-02-02	T	24-02-04		
Georgië		27-02-07	T	28-05-07		
Ghana	11-09-98	30-05-03	R	24-02-04		
Griekenland	11-09-98	23-12-03	R	22-03-04		
Guinee		07-09-00	T	24-02-04		
Guinee-Bissau	10-09-99					
Guyana		25-06-07	T	23-09-07		
Hongarije	10-09-99	31-10-00	R	24-02-04		
Ierland		10-06-05	T	08-09-05		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
India		24-05-05	T	22-08-05		
Indonesië	11-09-98					
Iran	17-02-99	26-08-04	R	24-11-04		
Israël	20-05-99					
Italië	11-09-98	27-08-02	R	24-02-04		
Ivoorkust	11-09-98	20-01-04	R	19-04-04		
Jamaica		20-08-02	T	24-02-04		
Japan	31-08-99	15-06-04	R	13-09-04		
Jemen		04-02-06	T	05-05-06		
Jordanië		22-07-02	T	24-02-04		
Kaapverdië		01-03-06	T	30-05-06		
Kameroen	11-09-98	20-05-02	R	24-02-04		
Kenia	11-09-98	03-02-05	R	04-05-05		
Koeweit	11-09-98	12-05-06	R	10-08-06		
Kyrgyzstan	11-08-99	25-05-00	R	24-02-04		
Letland		23-04-03	T	24-02-04		
Libanon		13-11-06	T	11-02-07		
Liberia		22-09-04	T	21-12-04		
Libië		09-07-02	T	24-02-04		
Liechtenstein		18-06-04	T	16-09-04		
Litouwen		17-03-04	T	15-06-04		
Luxemburg	11-09-98	28-08-02	R	24-02-04		
Madagascar	08-12-98	22-09-04	R	21-12-04		
Maldiven, de		17-10-06	T	15-01-07		
Maleisië		04-09-02	T	24-02-04		
Mali	11-09-98	05-06-03	R	24-02-04		
Marshall- eilanden, de		27-01-03	T	24-02-04		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Mauritanië	01-09-99	22-07-05	R	20-10-05		
Mauritius		05-08-05	T	03-11-05		
Mexico		04-05-05	T	02-08-05		
Moldavië		27-01-05	T	27-04-05		
Mongolië	11-09-98	08-03-01	R	24-02-04		
Namibië	11-09-98	24-06-05	R	22-09-05		
Nederlanden, het Koninkrijk der – Nederland – Ned. Antillen – Aruba	11-09-98	20-04-00 – –	R – –	24-02-04 – –		
Nepal		09-02-07	T	10-05-07		
Nieuw-Zeeland	11-09-98	23-09-03	R	24-02-04		
Niger		16-02-06	T	17-05-06		
Nigeria		28-06-01	T	24-02-04		
Noord-Korea		06-02-04	T	06-05-04		
Noorwegen	11-09-98	25-10-01	R	24-02-04		
Oekraïne		06-12-02	T	24-02-04		
Oman		31-01-00	T	24-02-04		
Oostenrijk	11-09-98	27-08-02	R	24-02-04		
Pakistan	09-09-99	14-07-05	R	12-10-05		
Panama	11-09-98	18-08-00	R	24-02-04		
Paraguay	11-09-98	18-08-03	R	24-02-04		
Peru	11-09-98	14-09-05	R	13-12-05		
Polen		14-09-05	T	13-12-05		
Portugal	11-09-98	16-02-05	R	17-05-05		
Qatar		10-12-04	T	10-03-05		
Roemenië		02-09-03	T	24-02-04		
Rwanda		07-01-04	T	06-04-04		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Samoa		30-05-02	T	24-02-04		
Saudi-Arabië		07-09-00	T	24-02-04		
Senegal	11-09-98	20-07-01	R	24-02-04		
Seychellen, de	11-09-98					
Singapore		24-05-05	T	22-08-05		
Sint Lucia	25-01-99					
Slovenië	11-09-98	17-11-99	R	24-02-04		
Slowakije		26-01-07	T	26-04-07		
Soedan		17-02-05	T	18-05-05		
Spanje	11-09-98	02-03-04	R	31-05-04		
Sri Lanka		19-01-06	T	19-04-06		
Suriname		30-05-00	T	24-02-04		
Syrië	11-09-98	24-09-03	R	24-02-04		
Tadzjikistan	28-09-98					
Tanzania	11-09-98	26-08-02	R	24-02-04		
Thailand		19-02-02	T	24-02-04		
Togo	09-09-99	23-06-04	R	21-09-04		
Tsjaad	11-09-98	10-03-04	R	08-06-04		
Tsjechië	22-06-99	12-06-00	R	24-02-04		
Tunesië	11-09-98					
Turkije	11-09-98					
Uruguay	11-09-98	04-03-03	R	24-02-04		
Venezuela		19-04-05	T	18-07-05		
Verenigd Koninkrijk, het	11-09-98	17-06-04	R	15-09-04		
Verenigde Arabi- sche Emiraten, de		10-09-02	T	24-02-04		

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
Verenigde Staten van Amerika, de	11-09-98					
Vietnam		07-05-07	T	05-08-07		
Zuid-Afrika		04-09-02	T	24-02-04		
Zuid-Korea	07-09-99	11-08-03	R	24-02-04		
Zweden	11-09-98	10-10-03	R	24-02-04		
Zwitserland	11-09-98	10-01-02	R	24-02-04		

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrchtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Uitbreidingen

China

Uitgebreid tot	In werking	Buiten werking
Macau SAR	20-06-2005	

Verklaringen, voorbehouden en bezwaren

China, 22 maart 2005

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.

Denemarken, 15 januari 2004

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

EG (Europese Gemeenschap), 20 december 2002

The European Community declares that, in accordance with the Treaty establishing the European Community, and in particular Article 175(I) 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 world-wide 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.

Estland, 13 juni 2006

With respect to any dispute concerning the interpretation or application of this Convention, the Republic of Estonia recognizes both of the means of dispute settlement stated in Article 20, paragraph 2 as compulsory in relation to any Party accepting the same obligation.

Moldavië, 27 januari 2005

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.

Nieuw-Zeeland, 23 september 2003

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."

Noorwegen, 25 oktober 2001

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.

Oostenrijk, 27 augustus 2002

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.

Syrië, 24 september 2003

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.

Bezwaar door Israël, 13 januari 2004

The Government of the State of Israel has noted that the instrument of ratification of the Syrian Arab Republic to the above-mentioned 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 Syrian Arab Republic.

G. INWERKINGTREDING

Zie *Trb.* 2004, 9.

De in rubriek B hierboven afgedrukte wijzigingen van 24 september 2004 van Bijlage III zijn ingevolge artikel 22, vijfde lid, onderdeel c, van het Verdrag op 1 februari 2005 in werking getreden, met uitzondering van de wijzigingen uit de eerste alinea, onderdelen a en b, die op 1 januari 2006 in werking zijn getreden.

Wat het Koninkrijk der Nederlanden betreft, gelden de wijzigingen alleen voor Nederland.

J. VERWIJZINGEN

Zie *Trb.* 1999, 30 en *Trb.* 2004, 9.

Overige verwijzingen

Titel : Handvest van de Verenigde Naties;
San Francisco, 26 juni 1945
Laatste *Trb.* : *Trb.* 2007, 50

Titel : Statuut van de Internationale Organisatie voor Atoom-
energie;
New York, 26 oktober 1956
Laatste *Trb.* : *Trb.* 2001, 135

In overeenstemming met artikel 19, tweede lid, van de Rijkswet goedkeuring en bekendmaking verdragen heeft de Minister van Buitenlandse Zaken bepaald dat de wijzigingen van 24 september 2004 zullen zijn bekendgemaakt in Nederland op de dag na de datum van uitgifte van dit Tractatenblad.

Uitgegeven de *tweëntwintigste* oktober 2007.

De Minister van Buitenlandse Zaken,

M. J. M. VERHAGEN