

**Guidance for Implementation of PIC By-Law on Export and Import of Hazardous Chemicals**

**April 2017**

**Preface**

This document describes specific provisions for export and import of certain hazardous chemicals under the By-Law implementing Regulation (EU) No 649/2012 concerning the export and import of hazardous chemicals and Rotterdam Convention on the Prior Informed Consent (PIC) Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (henceforth the “PIC By-Law”).

ECHA Guidance for the implementation of PIC Regulation has been used to a large extent as a basis for the text of the present document. At the same time, the new information resulting from the changes introduced in Turkish by-law implementing PIC Regulation has been included in this guidance.

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**1. INTRODUCTION**

The aim of this document is to assist industry in the effective application of the PIC By-Law.

The guidance opens in section 2 with an introduction to The Rotterdam Convention, including its basic principles and mechanisms. The guidance continues in section 3 and 4 with an explanation of key definitions and presentation of the scope of the By-Law. Section 5 defines the key actors (Designated National Authorities, exporters and importers). Subsequently, section 6 of the guidance outlines the obligations of exporters and authorities under the PIC By-Law by explanation of requirements of each provision. Finally, section 7 provides some examples that demonstrate how the requirements of the PIC By-Law play out practically in a range of cases.

**2. UNDERSTANDING THE PIC BY-LAW**

The PIC By-Law applies to industrial chemicals, plant protection products and biocidal products that are banned or severely restricted for health or environmental reasons. It places obligations on companies that wish to export these chemicals to countries. The export of such chemicals is subject to two types of requirements: **export notification** and **explicit consent**. The latter requirement applies only in certain cases (see sub-section 6.5 of this guidance document). The PIC By-Law also places obligations on importers of chemicals that are either banned or severely restricted by national legislation or subject to the PIC procedure under the Rotterdam Convention. However, it should be noted that import of chemical substances is mostly covered by other national legislation such as for example the By-Law on restriction of chemicals, the Biocidal Products By-Law or the Plant Protection Products By-Law.

The aim of the PIC By-Law is to promote shared responsibility and cooperation in the international movement of hazardous chemicals, and to protect human health and the environment by providing all importing Parties (as defined in the By-Law) and, additionally the relevant authorities in countries that are not Parties (particularly, developing countries) with information on characteristics of hazardous chemicals, and on how to store, transport, use and dispose of such chemicals safely. The PIC By-Law implements the Regulation (EU) No 649/2012 concerning the export and import of hazardous chemicals and the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (henceforth the ‘Convention’).

The scope of the PIC By-Law extends, for example, to requirements for export notification and for explicit consent (see sub-sections 6.1 and 6.5 of this guidance document) to all countries rather than applying only to those countries that are Party to the Convention.

Furthermore, an export notification for chemicals listed in Annex I to the PIC By-Law is required irrespective of their intended use in the importing country.

To fully understand the provisions and mechanisms of the PIC By-Law, the reader should be introduced to the basic principles and key elements of the Rotterdam Convention.

**2.1 The Rotterdam Convention**

The Convention was adopted on 10 September 1998 at the Diplomatic Conference held in Rotterdam. It entered into force on 24 February 2004 and became legally binding for its Parties. The Convention is the response of the United Nations Environment Programme (UNEP) and the Food and Agriculture Organisation (FAO) to the concerns raised by the increased production, trade and use of chemicals during the 1960s and 1970s. These concerns related to the risk that the use of hazardous chemicals and plant protection products and biocidal products could pose to human health and the environment. In addition, the regulatory systems and infrastructure of some countries (particularly developing countries) were not adequate to manage such chemicals safely.

The overall objective of the Convention is to promote shared responsibility and cooperative efforts among Parties in the international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm and contribute to the environmentally sound use of chemicals by facilitating information exchange about their characteristics, by providing for a national decision-making process on their import and export and by disseminating these decisions to Parties.

Under the Rotterdam Convention the Parties designate one or more national authorities to perform administrative functions required by the Convention. The so-called Designated National Authorities (DNAs) are the contact points between a Party and the Secretariat of the Convention (provided jointly by UNEP and FAO) and between different Parties. DNAs have a crucial role in implementation of the Convention and dissemination of information about the Convention at the national level.

The chemicals covered by the Rotterdam Convention are pesticides and industrial chemicals that have been banned or severely restricted for health or environmental reasons by Parties. The chemicals explicitly identified as subject to Prior Informed Consent under the Rotterdam Convention are listed in Annex III to the Convention. Additional chemicals are subject to the Convention pursuant to Article 12(1). Where a chemical that is banned or severely restricted by a Party is exported from its territory, that Party shall provide an export notification to the importing Party.

The Convention also establishes a mechanism for including further chemicals into Annex III.

For the current list of chemicals included in Annex III please consult the Rotterdam Convention website [www.pic.int](http://www.pic.int) (<http://www.pic.int/TheConvention/Chemicals/AnnexIIIChemicals/tabid/1132/language/en-US/Default.aspx>).

**2.2 The PIC Procedure under the Convention**

The PIC procedure is a mechanism for formally obtaining and disseminating the decisions of importing Parties as to whether they wish to receive future shipments of those chemicals listed in Annex III of the Convention and for ensuring compliance with these decisions by exporting Parties.

For each chemical listed in Annex III of the Convention, and therefore subject to the PIC procedure, a decision guidance document (DGD) is prepared and sent to all Parties (Article 7). The DGD is intended to help governments assess the risks connected with the handling and use of the chemical and make more informed decisions about future import and use of the chemical, taking into account local conditions. It sets out the scope of the chemical subject to the PIC procedure and contains basic information on the chemical, inter alia its hazard classification, additional sources of information on the chemical and information on possible alternatives.

Parties are required to take a decision as to whether they will allow future import of each of the chemicals in Annex III (Article 10). Parties have an ongoing obligation to submit to the Secretariat, as soon as possible and in any event no later than nine months after the date of dispatch of a decision guidance document their import decision (whether a final or interim response) concerning the future import of the chemical. These decisions, known as import responses, are published by the Secretariat and made available to all Parties every six months through the PIC Circular and on the Convention’s website in the section [Import Responses](http://www.pic.int/Procedures/ImportResponses/Database/tabid/1370/language/en-US/Default.aspx). In this way, Parties are informed prior to an export as to whether or not there will be consent to import. Import responses are only related to the use category for which the substance has been listed under the Convention. Beginning with volume XLIV – December 2016, the PIC Circular has been streamlined. Appendix IV includes an overview of new import responses received in the last six months. The other parts of Appendix IV which include all import responses and a list of the Parties that failed to transmit an import response are available via hyperlink to the online database on the Convention website (<http://www.pic.int/tabid/1370/language/en-US/Default.aspx>).

Import decisions taken by Parties must be trade neutral. That is, if the Party decides not to accept imports of a specific chemical, it must also stop domestic production of the chemical for domestic use and refuse imports from any source, including from countries that are not Party to the Convention.

All exporting Parties are required to ensure that exports of chemicals subject to the PIC procedure do not occur contrary to the decision of each importing Party (Article 11). They should ensure that import responses published in the PIC Circular are immediately communicated to their exporters, industry and any other relevant authorities, such as the Department of Customs.

**2.3 Notification of final regulatory action (“FRA notification”)**

Final regulatory action (FRA) means an action taken by a Party to ban or severely restrict a chemical whereby that Party does not require any subsequent regulatory action on the chemical.

According to Article 5 of the Convention, Parties have to notify the Secretariat when they adopt a final regulatory action to ban or severely restrict a chemical for health or environmental reasons by submitting an **FRA** **notification**. The purpose of such a notification is to share the information on hazardous chemicals with the Secretariat and all Parties and to identify candidate chemicals for the PIC procedure.

The Secretariat verifies the completeness of the notification according to the information requirements of Annex I to the Convention. If the notification meets these requirements, a summary of the final regulatory action is prepared and published in the PIC Circular. Such a summary includes a scope, reason for and expected effect of the regulatory action together with the information on hazards and risks posed by the chemical to human health and the environment.

After notifications for the same chemical from at least twodifferent PIC regions[[1]](#footnote-1) have been submitted to the Secretariat, these notifications will be forwarded to the **Chemical Review Committee** (hereinafter CRC) if they meet the requirements set out in Annex I. The CRC reviews the notifications according to the criteria set out in Annex II to the Convention. In cases where the notifications meet the above-mentioned criteria, the CRC recommends to the **Conference of the Parties** (hereinafter COP) that the chemical should be listed in Annex III to the Convention and subject to the PIC procedure. The CRC then drafts a **Decision Guidance Document** (hereinafter DGD), which is based on the information contained in the notifications and supporting documentation. The final decision to add the chemical to Annex III of the Convention and adopt the DGD is made by the COP.

**2.4 Export Notifications**

The exporting Party of a banned or severely restricted chemical shall provide an export notification to the importing Party. The importing Party has the obligation to acknowledge receipt of the export notification within 30 days. The **export notification** differs from the PIC procedure, as it does not ask Parties for a decision related to future import of the chemical. It only informs Parties that the shipment of a chemical that is banned or severely restricted in the exporting Party’s territory is foreseen.

Article 12 and Annex V of the Convention sets out the provisions and information requirements related to an export notification.

**2.5 Information to accompany exported chemicals**

Each Party shall require that, whenever World Customs Organization assignes a specific Harmonized System customs code to such a chemical, the shipping document for that chemical bears the code when exported.

Furthermore, *without prejudice to any requirements of the importing Party, each Party:*

*shall,*

*require that both chemicals listed in Annex III and chemicals banned or severely restricted in its territory are, when exported, subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment, taking into account relevant international standards;*

*may,*

*require that chemicals subject to environmental or health labelling requirements in its territory are, when exported, subject to labelling requirements that ensure adequate availability of information with regard to risks and/or hazards to human health or the environment, taking into account relevant international standards.*

*shall,*

*with respect to* *chemicals* listed in Annex III and chemicals banned or severely restricted *that are to be used for occupational purposes require that a safety data sheet that follows an internationally recognized format, setting out the most up-to-date information available, is sent to each importer.*

*The information on the label and on the safety data sheet should, as far as practicable, be given in one or more of the official languages of the importing Party.*

**2.6 Relationship to other international chemicals Conventions**

Two chemical Conventions are mainly linked to Rotterdam Convention, namely Stockholm Convention and Minamata Convention.

The Stockholm Convention on Persistent Organic Pollutants (hereinafter POPs) is a global treaty to protect human health and the environment from chemicals that remain intact in the environment for long periods, become widely distributed geographically, accumulate in the fatty tissue of humans and wildlife, and have harmful impacts on human health or on the environment.

PIC By-Law Annex VI lists POPs whose production and use is prohibited in the Republic of Turkey. All Annex VI chemicals are also Rotterdam Convention Annex III chemicals.

The Minamata Convention on Mercury is a global treaty to protect human health and the environment from the adverse effects of mercury.

Major highlights of the Minamata Convention include a ban on new mercury mines, the phase-out of existing ones, the phase out and phase down of mercury use in a number of products and processes, control measures on emissions to air and on releases to land and water, and the regulation of the informal sector of artisanal and small-scale gold mining. The Convention also addresses interim storage of mercury and its disposal once it becomes waste, sites contaminated by mercury as well as health issues.

Mercury is listed in PIC By-Law Annex I and therefore subject to the export procedure while mercury compounds, including inorganic mercury compounds, alkyl mercury compounds and alkyloxyalkyl aryl mercury compounds are listed in Annex II of PIC By-Law and in Annex III of Rotterdam Convention.

**3. DEFINITIONS**

Before continuing to describe in more detail the scope of the PIC By-Law it may be useful to clarify some of the terms:

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| ***Art. 3(1)***  ***“Chemical”*** *means a substance, whether by itself or in a mixture, or a mixture, whether manufactured or obtained from nature, but does not include any living organism. It consists of the following categories:*  *(a) Plant Protection Products, including severely hazardous pesticide formulations;*  *(b) Biocides; and*  *(c) Industrial chemicals.* |

Note that the term ‘chemical’ covers both substances on their own or in mixtures and mixtures. Pesticides belongs to the category Plant Protection Products (hereinafter PPP) and therefore do not cover all PPP.

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| **Art. 3(2)**  **“Substance”** means any chemical element and its compounds as defined in Article 4(y) of By-Law O.G. No 28848 of 11.12.2013 on classification, packaging and labelling of substances and mixtures;  **Art. 3(3)**  **“Mixture”** means a mixture or a solution as defined in Article 4(t) of By-Law O.G. No 28848 of 11.12.2013 on classification, packaging and labelling of substances and mixtures;  **Art. 3(11)**  **“Banned chemical”** means a chemical all uses of which within one or more categories have been prohibited by final regulatory action, in order to protect human health or the environment. It includes a chemical that has been refused approval for first-time use or has been withdrawn by industry either from the domestic market or from further consideration in a notification, registration, authorisation or approval process and where there is clear evidence that such action has been taken in order to protect human health or the environment; |

A ban is where all uses of a chemical within one or more categories have been prohibited, or where the chemical was never approved or was withdrawn.

Conditions that lead to decide if a banned chemical qualifies for listing in PIC By-Law are herewith summarised:

* **all uses** of a chemical are **prohibited**; and
* the chemical shall fall within one or more **categories**; and
* there must be a national **final regulatory action** which prohibits **all uses**

including

* **refusal for approval** for**first-time use**

or

* **withdrawal** by industry from the domestic market or from further consideration **in a notification, registration, authorisation or approval process;**

and

* **evidence** that the **chemical raises concern** for human health or the environment.

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| **Art. 3(12)**  **“Severely restricted chemical”** means a chemical virtually all use of which within one or more categories has been prohibited by final regulatory action in order to protect human health or the environment, but for which certain specific uses remain allowed. It includes a chemical that has, for virtually all use, been refused for approval or been withdrawn by industry either from the domestic market or from further consideration in the domestic notification, registration, authorisation or approval process, and where there is clear evidence that such action has been taken in order to protect human health or the environment. |

While it is relatively straightforward to establish if a chemical is banned within one or more categories and therefore if it qualifies for listing in PIC By-Law, one cannot come to a foregone conclusion when deciding on listing severely restricted chemicals in PIC By-Law.

In order to fall within the definition of severely restricted chemical either of the following conditions shall be met:

* **virtually all use** **prohibition** of a chemical; and
* the chemical shall fall within one or more **categories**; and
* there must be a national **final regulatory action**, which **virtually prohibits** **all** **use**

including

* **refusal for approval** for **virtually all use**;

or

* **withdrawal** by industry from the domestic market or from further consideration **in a notification, registration, authorisation or approval process;**

and

* **evidence** that the **chemical raises concern** for human health or the environment.

There is no definition of “virtually” in PIC By-Law but it is decisive when assessing the eligibility of listing a chemical in PIC By-Law. Where some use has been prohibited a case-by-case assessment is needed as to whether this may constitute a prohibition of virtually all use. If all but one or two use of an extensive range of use has been prohibited and the remaining use is relatively small, this may be considered as a severe restriction. However, if all but one or two use of an extensive range of use have been prohibited and the remaining is major use, this may not constitute a severe restriction.

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| **Art. 3(20)**  **“Party to the Convention”** or “Party” means a State or regional economic integration organisation that has consented to be bound by the Convention and for which the Convention is in force;  **Art. 3(21)**  **“Other country”** means any country that is not a Party; |

The definition refers to Parties to the Convention. However, it should be noted that the core provisions of the PIC By-Law, which relate to export notification, explicit consent, export bans and information to accompany exports (Articles 7, 12, 13 and 13 of the PIC By-Law) **apply to exports to all countries** irrespective of whether or not they are Parties to the Convention.

**4. SCOPE**

The scope of the PIC By-Law goes beyond the requirements of the Convention in order to achieve a higher level of protection of human health and the environment.

In particular, the PIC By-Law divides the two use categories under the Convention (pesticides and industrial chemicals) into three categories:

* Plant Protection Products, including severely hazardous pesticides formulations;
* Biocides;
* Industrial chemicals.

Furthermore, Turkish exporters are obliged to send export notifications for chemicals listed in Annex I or II irrespective of the intended use declared on the export notification and whether or not that use is banned or severely restricted within the Republic of Turkey. The reasoning behind this is that the exporters cannot guarantee that the intended use declared in the export notification will correspond to how the chemical will actually be used in the importing country.

In general, chemicals cannot be exported later than six month before its expiry date and, in regard to Plant Protection Products and Biocidal Products exporters shall ensure that the size of packaging is optimised in order to prevent the risk to create obsolete stocks and that they bear labels specifying storage conditions and stability under the importing country climatic conditions.

**4.1 Chemicals affected by PIC By-Law**

PIC By-Law applies to the following chemicals:

* Chemicals subject to the prior informed consent procedure under the Convention (the “PIC procedure”);
* Banned or severely restricted chemicals.

The PIC By-Law **applies to** individual **chemicals** or groups of chemicals, which are included in Annex I or II to the By-Law and to **mixtures** containing such chemicals in a concentration that **triggers** **classification** obligations under the By-Law O.G. No 28848 of 11.12.2013.

**4.1.1 Banned or severely restricted chemicals – Annex I**

These chemicals are listed in **Annex I** and qualify for notification to the Secretariat of the Rotterdam Convention according to Article 10. They are also subject to annual export notification, irrespective of the expected use of the chemical.

The most important sources of relevant regulatory actions currently are:

* By-Law O.G. No 27885 on the Certification of Pesticides of 25.03.2011;
* By-Law O.G. No 27449 of 31.12.2009 on Biocidal Products;
* By-law O.G. No 27092 of 26.12.2008 on Restriction and Ban of Substances and Mixtures;
* By-Law O.G. No 27052 of 12.11.2008 on substances that deplete the ozone layer.

**4.1.2 Chemicals subject to the “PIC procedure” – Annex II**

Chemicals that are subject to the prior informed consent (PIC) procedure under the Rotterdam Convention belong to this group. They are listed in **Annex II** to the PIC By-Law excluding chemicals that are prohibited according to Stockholm Convention and listed in Annex VI of the PIC By-Law.

These chemicals require annual export notification according to Article 7 and 12(6)(d) of the PIC By-Law, irrespective of the expected use of the chemical in the importing country, unless:

* The importing Party has given consent to import and response is listed in the latest PIC Circular;
* There is evidence from official sources in the importing Party or other country that the chemical, at the time of import, is licenced, registered or authorised;
* Evidence exists that the chemical has previously been used in, or imported into, the importing Party or other country and in relation to which no regulatory action to prohibit its use for the category concerned has been taken
* Export notification has been submitted and explicit consent has been sought and received by the MoEU;
* A waiver according to Article 12(7) has been granted;
* The plant protection product (active substance) is imported to be re-exported and the designated national authority or an appropriate authority of the importing Party or other country provided a previous written consent to the Ministry of Food, Agriculture and Livestock.

For a list of DNAs, please consult the ECHA website:

<http://echa.europa.eu/information-on-chemicals/pic/designated-national-authority>

or for DNAs of Parties to the RC:

<http://www.pic.int/Countries/CountryContacts/tabid/3282/language/en-US/Default.aspx>

**4.1.3 Chemicals prohibited within the Republic of Turkey and banned from export – Annex VI**

These are the chemicals that are prohibited within the Republic of Turkey in order to protect human health or the environment and are subject to an export ban according to Article 13(1) of the PIC By-Law. These chemicals are mostly persistent organic pollutants as listed in Annexes A or B to the Stockholm Convention[[2]](#footnote-2). Chemicals that are banned for export are listed in **Annex VI** (Part 1 or 2) to the PIC By-Law.

Note however, that according to Article 2(3) the export of chemicals listed in Annex VI is possible if they are exported for the purpose of research or analysis in quantities of below 10 kilograms per exporter, per year and per importing country. In such cases the exporter, according to art. 9(3), shall inform the Ministry of Environment and Urbanisation within 3 days before shipment takes place.

**4.1.4 Classification, labelling and packaging of Annex I and II exported chemicals**

When exported, Annex I and II chemicals must be packaged and labelled as though they were being placed on the Turkish market (see Articles 12(11), 12(12) and 15 of the PIC By-Law), unless those provisions would conflict with any specific requirements of importing Parties or other countries.

**4.2 Chemicals exempted from PIC By-Law provisions**

**4.2.1 Narcotic drugs and psychotropic substances**

Narcotic drugs and psychotropic substances within the scope of Law No 2313 of 12.06.1933 as amended.

*Legal reference: Article 2(2)(a) of PIC By-Law*

**4.2.2 Radioactive substances and mixtures**

Radioactive substances and mixtures as defined in Article 2, paragraph 2, subparagraph a) (1) of By-Law O.G. No 25869 of 08.07.2005 on the safe transport of radioactive substances.

*Legal reference: Article 2(2)(b) of PIC By-Law*

**4.2.3 Waste**

Wastes within the scope of By-Law O.G. No 26927 of 05.07.2008 on general principles of waste management.

*Legal reference: Article 2(2)(c) of PIC By-Law*

**4.2.4 Chemical weapons**

Chemical weapons within the scope of Law No 5564 of 21.12.2006 on banning of development production stock and use of chemical weapons.

*Legal reference: Article 2(2)(d) of PIC By-Law*

**4.2.5 Food**

Food within the scope of By-Law O.G. No 28157 of 29.12.2011 on Turkish food codex.

*Legal reference: Article 2(2)(e) of PIC By-Law*

**4.2.6 Food additives**

Food additives within the scope of By-Law O.G. No 28693 of 30.06.2013 on Turkish food codex additives.

*Legal reference: Article 2(2)(f) of PIC By-Law*

**4.2.7 Feedingstuffs**

Feedingstuffs within the scope of Law No 5996 of 11.06.2012on marketing and use of feedingstuffs and By-Law O.G. No 5977 of 11.06.2012 on biosafety.

*Legal reference: Article 2(2)(g) of PIC By-Law*

**4.2.8 Genetically modified organisms**

Genetically modified organisms within the scope of By-Law O.G. No 27671 of 13.08.2010 on genetically modified organism and their products.

*Legal reference: Article 2(2)(h) of PIC By-Law*

**4.2.9 Medicinal products**

Medicinal products for human use within the scope of By-Law O.G. No 25705 of 19.01.2005 on licencing of medicinal products for human use and veterinary medicinal products within the scope of By-Law O.G. No 28152 of 24.12.2012 on medicinal veterinary products. Please note that chemicals belonging to this category are excluded from the PIC By-Law provisions with the exception of biocidal products covered by Article 3(6).

*Legal reference: Article 2(2)(i) and 3(6) of PIC By-Law*

**4.2.10 Chemicals exported for research or analysis**

Chemicals exported for the purpose of research or analysis in quantities that are unlikely to affect human health or the environment and that in any event do not exceed 10 kg from each exporter to each importing country per calendar year.

Research and analysis should be understood as meaning analysis and scientific research by e.g. academia, authorities and companies. The limit of 10 kg applies to the Annex I, II and VI chemicals by itself or 10 kilograms of the substance in a mixture, and also refers to an individual chemical within a generic group listed in Annex I, II or VI.

*Legal reference: Article 2(3) of PIC By-Law*

**5. KEY ACTORS**

Before explaining the obligations, it is important to have a clear understanding of the different roles under the PIC By-Law. The sub-sections below define the key actors.

**5.1 The designated National Authority**

The Ministry of Environment and Urbanisation is the designated national authority to carry out the administrative functions required by the By-Law.

For each exporter intending to export chemicals subject to the PIC By-Law, the Ministry of Environment and Urbanisation is the primary contact point. Similarly, DNAs are the key point of contact between States. For lists of DNAs see chapter 4.1.2.

The tasks of the Ministry of Environment and Urbanisation can be divided into three groups:

**Administrative:**

* Requesting explicit consents from the DNA/appropriate authority of the importing country for exports of chemicals listed in Annex II (Article 12(6)(d));
* Granting of the waivers for export of chemicals listed in Annex II in cases where no response has been received within 60 days of a request for explicit consent (Article 12(7));
* Periodic review of explicit consents’ waivers (Article 14(7));
* Making available Turkey import decisions to those concerned within their competence (Article 11(4));
* Forwarding to those concerned within its jurisdiction the information on chemicals received from the Secretariat (Article 12(1)).

**Enforcement**

* The PIC By-Law shall be enforced by the by the Ministry of Environment and Urbanisation (Article 24)

**Provision and exchange of information**

* On request, providing importing countries with additional information related to exported chemicals (Article 7(7));
* On request and assisted by other relevant Ministries, providing additional information concerning the chemical or the FRA (Article 10(6));
* Advising and assisting importing countries, upon request and in cooperation with other relevant Ministries, in obtaining additional information to help them make an import response for PIC chemicals (Article 12(4));
* Forwarding any information required by an importing Party to the Convention that has been provided by the exporter concerned prior to each transit movement of a chemical listed in Annex II (Article 14(3));
* Facilitating, together with other relevant Ministries, the exchange of information (Article 18) and cooperating in promoting technical assistance (Article 19).

**6. OBLIGATIONS UNDER THE PIC BY-LAW**

**6.1 Export notifications forwarded to Parties and other countries**

Export notification is a mechanism that enables exchange of information about banned or severely restricted chemicals among countries. Via such a notification, the importing country is alerted that a shipment of a chemical that has been banned or severely restricted in the exporting country is being sent to it. The provisions for export notification are outlined in Article 7 of the PIC By-Law (*Export notification procedure*).

**6.1.1 Who has to notify?**

The export notification obligation applies to each exporter intending to export a specific chemical subject to export notification from the Republic of Turkey to a third country (whether or not this country is a Party to the Convention). This obligation applies irrespective of the end-use of a chemical in the country of destination.

**6.1.2 What to notify?**

The export notification applies to:

* All chemicals listed in Annex I to the PIC By-Law;
* All chemicals listed in Annex II if Article 12(6)(d) of the PIC By-Law applies;
* Mixtures containing chemicals listed in Annex I, if the concentration of the chemical[[3]](#footnote-3) triggers classification of the mixture under the By-Law O.G. No 28848 of 11.12.2013;
* Mixtures containing chemicals listed in Annex II, if the concentration of the chemical[[4]](#footnote-4) triggers classification of the mixture under the By-Law O.G. No 28848 of 11.12.2013 and if Article 12(6)(d) of the PIC By-Law applies.

**6.1.3 Information requirements**

The information required to accompany the export notification is specified in Annex III to the PIC By-Law. The text of Annex III is given below:

|  |
| --- |
| Export notification shall contain the following information:   1. Identity of the substance to be exported:   (a) Name in nomenclature of the International Union of Pure and Applied Chemistry;  (b) Other names (e.g. ISO name, usual names, trade names, common name and abbreviations);  (c) Chemical Abstracts Services (CAS) number;  (d) Turkish Tariff Nomenclature code;   1. Identity of the mixture to be exported:   (a) Trade name and/or designation of the mixture;  (b) For each substance listed in Annex I or Annex II if relevant, percentage and details as specified under point 1;  (c) Turkish Tariff Nomenclature code.   1. Information on the export:   (a) Exporting country;  (b) Importing country;  (c) Expected date of first export this year;  (d) Estimated amount of the chemical to be exported to the country concerned this year;  (e) Foreseen category (industrial chemical, plant protection product or biocidal product) and foreseen use in the importing country;  (f) Name, address and other relevant particulars of the importer;  (g) Name, address and other relevant particulars of the exporter.   1. Designated national authorities:   (a) the name, address, telephone and telex, fax number or e-mail of the Ministry of Environment and Urbanisation;  (b) the name, address, telephone and telex, fax number or e-mail of the designated national authority in the importing country.   1. Information on hazards of the chemical and precautionary measures:   (a) Classification;  (b) Information on hazards (e.g. hazard statements, hazard pictograms);  (c) Information on precautionary measures to reduce exposure to and emission of the chemical;  (d) Further information that may be useful to the importing country or has been requested by it, if available.   1. A summary on physicochemical, toxicological and ecotoxicological properties of the chemical. 2. Summary information on final regulatory action taken by the exporting country.   (a) Summary of the final regulatory action and data of entry into force**;**  (b) Please indicate:  - use or uses prohibited  - use or uses that remain allowed  - where available, estimated quantity of the chemical produced, imported, exported and used  (c) Reference to the regulatory document. |

**6.1.4 Timelines**

The exporter must follow the export notification procedure when exporting a chemical for the first time and for the first export in each subsequent year. Subsequent exports of the same chemical, to the same country within the same calendar year do not need to be notified, unless otherwise required by importing countries. However, the export of the same chemical to a different importing country will be considered as a “first export” and therefore subject to the export notification procedure.

The exporter must submit an export notification to the Ministry of Environment and Urbanisation at least **30 days before the first export** is due to take place. Thereafter the exporter must notify the Ministry of Environment and Urbanisation of the first export of the chemical each calendar year no later than 30 days before the export takes place. However, it is recommended to submit the notification as early as possible to the Ministry of Environment and Urbanisation to allow enough time for processing.

The Ministry of Environment and Urbanisation checks compliance of the information provided in the export notification with Annex III. If no objections will be raised, the Ministry of Environment and Urbanisation approves the export notification and transmits the final notification to the DNA or other appropriate authority of the importing country no later than **15 days before the first intended date of export** (and thereafter no later than 15 days before the first export in any subsequent calendar year).

**6.1.5 The export notification procedure**

The export notification procedure (see Figure 1) consists of the following steps:

**1. Submission of an export notification**

The exporter submits an export notification for a substance or mixture to the Ministry of Environment and Urbanisation.

**2. Processing by the Ministry of Environment and Urbanisation**

The Ministry of Environment and Urbanisation checks the compliance of the submitted information with Annex III to the PIC By-Law (*Export notification*). The Ministry of Environment and Urbanisation should as far as possible verify the following:

* Is the notification complete?

If not, the export cannot proceed. In such a situation the Ministry of Environment and Urbanisation should alert the exporter to enable any missing necessary information to be provided within the specified deadlines. A notification is only considered complete once it has been fully processed (i.e. checked and approved).

* In the case of a chemical listed in Annex I, has the country of destination waived the right to be notified?

If so, the notification need not be forwarded and the exporter can be informed by the Ministry of Environment and Urbanisation that he need not submit any further notifications for export of that chemical to the country concerned (until further notice) (Article 7(6)).

* Is the first yearly export notification?

If it is the first yearly notification for that chemical, it is transmitted to the importing country (otherwise it is filed in the Ministry of Environment and Urbanisation) along with the acknowledgement of the receipt form (see Annex IV of PIC By-Law) and, if submitted by the exporter, a copy of the SDS for the chemical.

* Is the notified chemical covered by a generic group listed in Annex I?

The exporter should preferably identify the specific chemical involved and should forward the precise name with the notification. Separate notification should be submitted for individual chemicals within a generic group, if the classification and labelling is different from the respective generic group.

* Does the notification relate to a mixture?

Since mixtures tend to be differently composed and must therefore be classified and labelled individually, in principle every mixture containing an Annex I chemical to the extent that this triggers classification of the mixture should be notified. However, a single notification covering several mixtures containing the same Annex I chemical(s) would be acceptable provided that the only difference between those mixtures is, for example, their colour and that there are no differences in the classification and labelling of the mixtures and the uses remain the same. Whenever changes in the concentration of Annex I chemical(s) in a mixture trigger new labelling requirements, a new notification is needed.

* In cases where a chemical is listed in Annex II and the importing country is a Party to the Convention, does an import decision of the country of destination appear in the latest PIC Circular and if so, what does it say?

The first thing to be checked is whether the expected use on the export notification matches the use category for which the chemical is subject to the Rotterdam Convention. If the two do not match, an explicit consent is required. If the use categories match, the following scenarios can occur:

* If there is **no import decision** in the PIC Circular or an **interim decision** not providing a decision to whether the importing country consents, **explicit consent is required**. If such consent has not already been sought and obtained, the Ministry of Environment and Urbanisation should seek explicit consent from the DNA or another appropriate authority in the country of destination;
* If **the import decision in the PIC Circular gives consent**, export notification is no longer required for the respective use category, unless the country of destination has indicated that it still wishes to receive an export notification. In cases where the chemical is a double-use chemical, and the intended use is not covered by the import decision, an export notification still needs to be submitted and explicit consent sought.
* If there is a **negative import decision** (no consent for the respective Convention use category) and the intended use is for that category, the export cannot proceed. Please note that the negative import decision relates to the use category given in the Convention. Therefore, it is still possible to export for the other use category if the chemical is a double-use chemical (for example ethylene oxide) provided that the explicit consent was obtained.
* For a chemical listed in Annex II, when is necessary to seek explicit consent?

The Ministry of Environment and Urbanisation should seek explicit consent from the DNA or another appropriate authority in the country of destination if it cannot avail of either of the conditions set out in Article 12(6) (except point d). The official export notification is forwarded to the importing country by the Ministry of Environment and Urbanisation. The Ministry of Environment and Urbanisation may attach a draft copy of the export notification to the request for explicit consent to help the importing country in making a decision. The exporter is then informed accordingly.

* Chemicals listed in Annex I or II (if applicable) in case they contain impurities

If a chemical contains substances listed in Annex I or II, if applicable, as impurities triggering classification is should be assessed if such impurities are intentional or unintentional during manufacturing process. It should be at Ministry of Environment and Urbanisation discretion to decided if a chemical containing an unintentional impurity should be subject to export notification.

If there are issues with any of the above-mentioned requirements (i.e. information is either missing or incorrect), the Ministry of Environment and Urbanisation returns the draft notification to the exporter without undue delay.

When assessing the completeness of a notification, the Ministry of Environment and Urbanisation also needs to take into account the following:

* The exporter is obliged to provide all the information required by Article 7 (as listed in Annex III). For information listed under points 5 and 6 of Annex III, the provision of a safety data sheet (an SDS) would suffice;
* The exporter is not obliged to attach an SDS with the export notification. However, it is strongly recommended that when creating an export notification, the exporter provides a copy of the SDS in an official language or in one or more of the principal languages of the importing country as well as an English version (if available) in order to facilitate processing of the notification by the Ministry of Environment and Urbanisation;
* The exporter must send an SDS to each importer when the chemical is exported (see Article 15(3) of the PIC By-Law). In this case the information on the label and on the SDS must as far as practicable be given in an official language, or in one or more of the principal languages, of the country of destination or of the area of intended use (Article 15(4)). Appendix 2 to this guidance provides a list of official and principal other languages for SDSs and labelling of exports to certain countries.

Note that the Ministry of Environment and Urbanisation may charge the exporter an administrative fee to cover the costs incurred in carrying out the export notification procedure (see Article 7(8) of PIC By-Law).

**Figure 1:** Export notification procedure for Annex I chemicals to all countries.

**if filed**

**6.1.6 Incompliant export notifications**

The exporter is responsible for the content of an export notification, therefore only the exporter can edit a notification (in case information is either missing or incorrect). The Ministry of Environment and Urbanisation is responsible for checking the notification’s compliance with Annex III of the PIC By-Law but cannot modify the content of the notification. Therefore, in case of incompliance of the notification with the By-Law requirements, it needs to be sent back to the exporter (see Figure 1).

In cases where an export notification is found to be incompliant, different scenarios are possible. These scenarios are mainly based on how far in advance of the export the notification is submitted and subsequently checked by the DNA.

It is possible for the Ministry of Environment and Urbanisation to request a **re-submission of the export notification,** if the notification was submitted long in advance of the 30 days deadline and a re-submission is possible before this deadline. This implies that the expected date of export remain the same.

The Ministry of Environment and Urbanisation will reject an incomplete or incompliant export notification when:

* the notification cannot be re-processed within the legal timeframe; or
* the DNA had suggested an informal deadline to the exporter for correcting the export notification and this deadline was not met (once again, leading to the notification not being processed within the legal timeframe);
* the notification is not requested (e.g. the importing country waived the requirement to be notified before the export of the chemical, see art. 7(6) of PIC By-Law).

If one of the above-mentioned scenarios occurs, the exporter will have to submit a new export notification and the day-count will go back to 30 days prior to the expected date of export as for any newly submitted export notification.

**6.1.7 Following up export notification**

The Ministry of Environment and Urbanisation has to follow up notifications if there is no acknowledgement of receipt of a first export notification made after the chemical is included in Annex I from the importing country within **30 days** of the dispatch of the notification. In such cases, the Ministry of Environment and Urbanisation must submit a second notification and make reasonable efforts to ensure that the DNA or other appropriate authority of the importing country receives the second notification. Note however, that this has no direct impact on the export proceeding.

*Legal reference: Article 7(3) of PIC By-Law*

**6.1.8 When is a new notification required?**

Whenever there is a change in Turkish legislation concerning the marketing and use or labelling of the chemical, or the composition of a mixture is changed insofar as the concentration of the chemical(s) concerned is different (for example to the extent that the required classification is altered) a new export notification must be submitted. The new notification must indicate that it is a revision of a previous notification.

*Legal reference: Article 7(4) of the PIC By-Law*

**6.1.9 Emergency situation**

If the export relates to a public health or environmental emergency, where a delay could worsen the situation in the importing country, the Ministry of Environment and Urbanisation may decide to waive entirely or partly the waiting period or notification requirements. Such an exemption can be granted at a reasoned request of the exporter or the importing country.

These requests do not need to be submitted 30 days before export but they will however be fully processed and sent to the importing country.

*Legal reference: Article 7(5) of the PIC By-Law.*

**6.1.10 When is a notification no longer required?**

The export notification obligations cease when **either** ofthe following conditions is met:

for Annex I chemicals,

The DNA of the importing Party officially waives the right to receive export notification. The Ministry of Environment and Urbanisation must receive such information from the DNA of the importing Party.

*Legal reference: Article 7(3) of the PIC By-Law.*

for Annex II chemicals,

* The latest PIC Circular dispatched by the Secretariat indicates that the importing Party has given consent to import unless the importing Party to the Convention explicitly requires continued export notification by exporting Parties; or

*Legal reference: Article12(6)(a) of the PIC By-Law.*

* There is evidence from official sources in the importing Party or other country that the chemical, at the time of import, is licensed, registered or authorised; or

*Legal reference: Article12(6)(b) of the PIC By-Law.*

* It is a chemical for which evidence exists that it has previously been used in, or imported into, the importing Party or other country and in relation to which no regulatory action to prohibit its use for the category concerned has been taken; or

*Legal reference: Article12(6)(c) of the PIC By-Law.*

* The chemicals listed in Annex II as a plant protection product (active substance) is imported to be re-exported and the designated national authority or an appropriate authority of the importing Party or other country provided a previous written consent to the Ministry of Food, Agriculture and Livestock. The Ministry of Food, Agriculture and Livestock informs the Ministry of Environment and Urbanisation accordingly.

*Legal reference: Article12(6)(e) of the PIC By-Law.*

**6.1.11 Request for additional information**

The authorities of the importing country may respond to an export notification and request additional information. The exporter, the Ministry of Environment and Urbanisation or other relevant Ministries, must provide this information.

*Legal reference: Article 7(7) of the PIC By-Law.*

**6.2 Export notifications from Parties and other countries**

When the Ministry of Environment and Urbanisation receives an export notification concerning the export of a chemical to the Republic of Turkey from a third country, the manufacture, use, handling, consumption, transport or sale of which is banned or severely restricted in the country of origin it shall acknowledge receipt of the first notification received for each chemical from the third country.

*Legal reference: Article 8 of the PIC By-Law*

**6.2.1 Obligations in relation to the import of chemicals**

While the PIC By-Law does not include any detailed provisions on restrictions or prohibition at importation, it establishes a procedure through which the Ministry of Environment and Urbanisation can evaluate and take import decisions regarding chemicals covered by the PIC procedure (i.e. those included in Annex II).

The Ministry of Environment and Urbanisation receives Decision Guidance Documents (DGDs) from the PIC Secretariat. The Ministry of Environment and Urbanisation adopts an import decision for the chemical concerned, and relating to the use category or categories for the chemical specified in the DGD.

Existing Turkish legislation provides the legal basis for import decisions in the context of the Rotterdam Convention. The decision on whether a chemical is allowed to be imported and/or used and/or placed on the market of the Turkish territory is made in a legal act regulating the import, use or placing on the market of the chemical in question, e.g. the Biocidal Products By-Law or the Plant protection Products By-Law or the By-Law on restriction of chemicals. Therefore, the PIC By-Law does not include any detailed provisions as regards restriction or prohibition at importation.

The import decision is communicated to the Secretariat of the Rotterdam Convention and exporting Parties are requested to respect this decision. The decision is also made available to those concerned. It is also published in the regular PIC Circular, produced by the Secretariat and on the Convention website [www.pic.int](http://www.pic.int).

Import decisions will relate to the use category or categories specified in the DGD for the chemical concerned. The Ministry of Environment and Urbanisation have to make import decisions available to those concerned within its competence, in accordance with its legislative and administrative measures. When evaluating the information contained in a DGD, the Ministry of Environment and Urbanisation will consider the need to propose national measures to reduce risks to human health and the environment, if necessary.

*Legal reference: Article 11 of the PIC By-Law.*

**6.3 Information on quantities of chemicals exported and imported**

During the first quarter of each year the exporter of:

* substances listed in Annex I and II to the PIC By-Law;
* mixtures containing Annex I and/or II substances in a concentration that triggers classification under the By-Law O.G. No 28848 of 11.12.2013 irrespective of the presence of any other substances;

has to inform the Ministry of Environment and Urbanisation of the quantities of that chemical exported (as a substance or in mixtures) to each importing country for the previous year. The information should include a list of the names and addresses of each importer to which shipment took place. In cases of mixtures it is the quantity of Annex I or II chemical(s) that should be reported[[5]](#footnote-5).

Similarly, each importer is obliged to provide the same information for quantities of chemicals placed on the internal market.

*Legal reference: Article 9 of the PIC By-Law*

**6.4 Notification of banned or severely restricted chemicals under the Convention**

Chemicals that qualify for notification to the Secretariat (i.e. those banned or severely restricted in the Republic of Turkey within a Convention use category) are included in Annex I. After inclusion, they must be notified by the Ministry of Environment and Urbanisation to the Secretariat no later than 90 days after the date on which the final regulatory action is to be applied (FRA notification, see 2.3 above). Such regulatory action may be underpinned by a risk evaluation identifying concerns for human health or the environment. The most important results of that risk evaluation will be reported in the notification in order to inform other Parties to the Convention and to allow them to use that information for their national decision-making on the use of that chemical.

The notification has to contain the information listed in Annex V to the PIC By-Law (*Notification to the Secretariat of the Convention of a banned or severely restricted chemical*). If the Ministry of Environment and Urbanisation does not have this information at hand, it can request identified exporters or importers to provide such information within 60 days of the request. The notification has to be updated when there is a change in the regulatory action banning or severely restricting the chemical.

*Legal reference: Article 10(1)(2)(3)(4)(5) of the PIC By-Law*

**Prioritisation for notification**

In determining priorities for notification, the Ministry of Environment and Urbanisation will take into account:

− whether the chemical is already subject to the PIC procedure (i.e. is already listed in Annex II);

− the extent to which the information requirements of Annex V to the PIC By-Law can be met;

− the severity of the risks presented by the chemical, in particular for developing countries.

*Legal reference: Article 10(4) of the PIC By-Law*

**Information on FRA notification from other Parties**

When the Ministry of Environment and Urbanisation receives information from the Secretariat on chemicals notified as banned or severely restricted by other Parties to the Convention, it must circulate these immediately to other relevant Ministries. Where appropriate, the Ministry of Environment and Urbanisation evaluates in close cooperation with other relevant Ministries the need to propose measures to prevent any unacceptable risk to human health or the environment.

*Legal reference: Article 10(7) of the PIC By-Law*

**6.5 Obligations in relation to export of Annex II chemicals – explicit consent procedure**

Exporters must comply with the import responses[[6]](#footnote-6) (both interim and final) taken by importing Parties, which are published every six months in the PIC Circular[[7]](#footnote-7) issued by the Secretariat. **Appendix IV** of PIC Circular includes an overview of new import responses received in the last six months. The other parts of Appendix IV which include all import responses and a list of the Parties that failed to transmit an import response are available via hyperlink to the online database on the Convention website[[8]](#footnote-8). The Ministry of Environment and Urbanisation forwards the PIC Circulars and any other relevant information it receives to relevant Ministries and industry associations. The obligation to comply with an import decision starts six months after the Secretariat has distributed the information (see article 12(3) of PIC By-Law).

**6.5.1 Explicit consent**

Article 12 of the PIC By-Law requires the explicit consent of the country of destination prior to the export of chemicals listed in Annex II unless one of the following conditions is met:

* A positive import response is available in the latest PIC Circular for chemicals listed in Annex II;
* There is evidence from official sources in the importing Party or other country that the chemical, at the time of import, is licensed, registered or authorised;
* It is a chemical for which evidence exists that it has previously been used in, or imported into, the importing Party or other country and in relation to which no regulatory action to prohibit its use for the category concerned has been taken;
* Exportnotification according to Article 7 has been submitted by the exporter to the Ministry of Environment and Urbanisation and explicit consent to the import has been sought and received by the Ministry of Environment and Urbanisation;
* The chemicals listed in Annex II as a plant protection product (active substance) is imported to be re-exported and the designated national authority or an appropriate authority of the importing Party or other country provided a previous written consent to the Ministry of Food, Agriculture and Livestock.

**Explicit consent** has to be sought and received through the exporter’s Ministry of Environment and Urbanisation and the DNA (or other competent authority) of the importing country. It is advised that the exporter should not make any direct contact with the authorities of the importing country until after the Ministry of Environment and Urbanisation has made a formal approach.

*Legal reference: Article 12 of the PIC By-Law*

**6.5.1.1 What chemicals are subject to explicit consent requirement?**

In the absence of an official final import response, an explicit consent is required for the export to proceed. The explicit consent of the importing country must be obtained before export of:

* Annex II chemicals where an interim response does not provide a final decision;
* Annex II chemicals where the importing Party failed to provide a response;

except in the cases listed in 6.5.1.

**6.5.1.2 Possible forms of explicit consent**

Explicit consent can take different forms. For example, it could be in the form of an official import decision transmitted via the Secretariat giving the importing country’s clear consent to imports (in the case of a chemical that is subject to the PIC procedure), or an e-mail or letter or confirmation from the appropriate authorities in the importing country.

If an applicable explicit consent is available, the Ministry of Environment and Urbanisation does not need to make a new request. If the terms of an explicit consent are broad enough, it may be applied to various matching export notifications.

**6.5.1.3 The process of requesting explicit consent**

The process of requesting explicit consent (see **Figure 2**) always starts with an export notification that is compiled and submitted by the exporter to the Ministry of Environment and Urbanisation (see section 6.1.5 and Figure 1). Subsequently, the process involves the following steps:

**Preliminary considerations**

Where the **importing country is Party** to Rotterdam Convention, the exporter should check the latest PIC Circular in order to verify if the importing Party provided the Secretariat of the Rotterdam Convention with a clear and positive decision to import the chemical concerned. The exporter should also contact the Ministry of Environment and Urbanisation in order to assess if a positive response exists for that chemical. If the importing Party gave positive decision to import that chemical, the export can proceed. It is not necessary to submit any export notification to the Ministry of Environment and Urbanisation.

Where the **importing country is not a Party** to Rotterdam Convention or is Party to the RC but provided the Secretariat with an **interim decision** that doesn’t contain a decision, exporter prepares and submits to the Ministry of Environment and Urbanisation an export notification.

Where the **importing country is a Party** and submitted to the Secretariat a final decision **not to consent to import** the chemical concerned, that chemical cannot be exported to that importing country for that category.

**When export notification has to be submitted to the MoEU**

When an exporter is due to export an **Annex II** **chemical** for the first time on or after the date on which it becomes subject to the PIC By-Law, the exporter shall notify the Ministry of Environment and Urbanisation no later than 30 days before the expected date of export if any of the following conditions is not met:

* No response in the PIC Circular for that chemical, that category and that importing Party;
* Interim response with no decision in the PIC Circular for that chemical, that category and that importing Party;
* Importing country is not a Party to the Rotterdam Convention.

Thereafter the exporter shall notify the Ministry of Environment and Urbanisation of the first export of the chemical each calendar year no later than 30 days before the export takes place. The notifications shall comply with the information requirements laid down in Annex III.

The Ministry of Environment and Urbanisation shall check compliance of the information with Annex III. The Ministry of Environment and Urbanisation takes the measures necessary to ensure that the designated national authority of the importing Party or the appropriate authority of the importing other country receive that notification no later than 15 days before the first intended export of the chemical and thereafter no later than 15 days before the first export in any subsequent calendar year.

Even if Article 12 doesn’t explicitly state that an export notification in required for Annex II chemicals, it is strongly recommended to submit the export notification for the chemical concerned to the Ministry of Environment and Urbanisation, except in the cases set out in the above mentioned “preliminary considerations”. It is pacific that the Ministry of Environment and Urbanisation needs to collect information from the exporter in order to identify the chemical concerned and consequently to assess if any exemption (see next subparagraph) to explicit consent can be applied. The export notification is the tool that allows the exporter to submit the information to the Ministry of Environment and Urbanisation.

*Legal reference: Article 12(5)(6) of the PIC By-Law*

**When is necessary to seek and obtain an explicit consent**

Once the Ministry of Environment and Urbanisation receives the export notification from the exporter it shall check if any of the following cases can be applied:

* Existence of an available explicit consent valid for that chemical, that category and that importing country;
* Evidence from official sources in the importing Party or other country that the chemical, at the time of import, is licensed, registered or authorised;
* Evidence exists that it has previously been used in, or imported into, the importing Party or other country and in relation to which no regulatory action to prohibit its use for the category concerned has been taken;
* The chemical to be exported as a plant protection product (active substance) is imported to be re-exported and the designated national authority or an appropriate authority of the importing Party or other country provided a previous written consent to the Ministry of Food, Agriculture and Livestock.

If the Ministry of Environment and Urbanisation can avail of either of the aforementioned waivers, the export can proceed. It is not necessary to seek and obtain an explicit consent from the importing Party or other country. The Ministry of Environment and Urbanisation informs the exporter accordingly and the export of that chemical can proceed.

If none of the foregoing cases can be applied, the Ministry of Environment and Urbanisation seeks explicit consent through the designated national authority of the importing Party or an appropriate authority in the importing other country.

Once the explicit consent has been obtained, the Ministry of Environment and Urbanisation informs the exporter and the export of that chemical can proceed. The consent is applicable to the export notification for which it was requested but may also apply to other notifications.

**Case when the importing country doesn’t reply within 60 days - waiver**

Where explicit consent has been sought, if the Ministry of Environment and Urbanisation has not received a response to the request within 30 days it shall send a reminder. Where appropriate, if there is still no response within a further 30 days, the Ministry of Environment and Urbanisation may send further reminders as necessary.

In order to facilitate the exporter and free trade of goods, the Ministry of Environment and Urbanisation **may**, in consultation with other relevant Ministries, on a case-by-case basis and at the **written request of the exporter**, decide that the export may proceed, if the following conditions are met:

* no evidence from official sources of final regulatory action to ban or severely restrict the use of the chemical taken by the importing Party or other country exists; and
* after all reasonable efforts, no response to a request for explicit consent pursuant to point (d) of paragraph 6 has been received within 60 days.

**6.5.1.4 Explicit consent for mixtures containing substances from Annex II**

The aforementioned obligations and provisions also applies to the export of mixtures containing substances of Annex II in concentrations that trigger classification of the mixture under By-Law O.G. No 28848 of 11.12.2013. A separate explicit consent must be requested for each mixture, if it occurs.

Since a mixture includes more than one substance, it is necessary to check for each substance whether an obligation to obtain explicit consent exists and if they belong to Annex I or II. The most stringet procedure should be applied.

**Example 1:** If substance A of a mixture AB is listed in Annex I and B in Annex II of the PIC By-Law provisions of chapter 6.5 shall be applied. The request for explicit consent, if applicable, was triggered by substance B, not substance A.

**Example 2:** If substance A of a mixture AB is listed in Annex I of the PIC By-Law the exporter must submit an export notification. Once approved, the export can proceed regardless of the presence of substance B, provided it is not listed in Annex I.

**6.5.1.5 Timelines**

It is recommended that explicit consent be sought **as far in advance of export as possible**. Exporters of chemicals that require a request for explicit consent are encouraged to submit their export notifications to their Ministry of Environment and Urbanisation well in advance of the intended date of export. A draft copy of the export notification would be a means of providing the necessary information to enable the importing country to take a decision. To facilitate the process for the DNA or other relevant authority in the importing country, it would be useful for exporters to submit copies to the Ministry of Environment and Urbanisation of any registrations or authorisations, which the importing country has issued for the chemical.

**6.5.1.6 Validity of the explicit consent**

Once explicit consent has been obtained by the Ministry of Environment and Urbanisation, it is potentially not necessary to make new requests for subsequent exports by any exporter, whilst that consent remains valid. To reflect the reality that an importing country’s views could evolve over time, the validity of explicit consent is limited to 12 months, unless otherwise specified in the explicit consent. At the end of the 12 months period, a new request for explicit consent must be made to the DNA of the importing Party or the relevant authority of the other importing country by the Ministry of Environment and Urbanisation. Therefore, exporters are encouraged to apply for a new export notification and consequently explicit consent in due time to avoid delays in obtainment of the consent from the importing country.

**6.6 Quality and labelling of exported products**

Articles 12(11) and 12(12) of the PIC By-Law impose requirements about the useful life of chemicals and their packaging, storage conditions and stability. These requirements are mainly relevant for biocidal products and plant protection products.

An exporter must ensure that exported products are not exported within 6 months of their expiry date, when

**Figure 2:** Explicit consent procedure for Annex II chemicals to all countries.

**Is the importing country Party to RC?**

**YES**

**Is there a clear positive response in the latest PIC Circular for that chemical and that category?**

**NO**

**Exporter prepares and submits an export notification at least 30 days prior to first export**

**re-submission**

**MoEU checks if the notification complies with Annex III of the PIC By-Law**

**Notification incomplete**

**Notification rejected**

**YES**

**MoEU verifies if there is an explicit consent available for that chemical, that category and that importing country**

**MoEU verifies if either of the requirements of Article 12(6)(b) or (c) or (e) are met**

**YES**

**NO**

**MoEU seeks explicit consent from the importing country**

**Negative response** **from importing country**

**NO**

**NO response or interim response without decision**

**YES**

**Notification approved**

**Positive response from importing country**

**No answer after 60 days**

**Exporter written request export to proceed**

**Notification rejected**

**MoEU may decide on a case-by-case basis that the export may proceed**

**Export can proceed**

such a date exists or can be inferred from the production date, unless the chemical’s intrinsic properties render this impracticable. In the case of biocidal products and plant protection products, the size and packaging of containers must be optimised to reduce the risks of creating obsolete stocks, and the label has to contain specific information about storage conditions and stability under the climatic conditions of the importing country.

**6.7 Information on transit movements**

In case a Party to the Convention requires information on transit movements of a chemical subject to the PIC procedure, the exporter must, insofar as possible, provide his DNA with the information laid down in Annex VII to Pic By-Law 30 days before the first transit movement is due to take place, and at least 8 days before each subsequent movement.

The Ministry of Environment and Urbanisation will forward the information, together with any available additional information to the DNA in the requesting importing Party no later than 15 days before the first transit movement and prior to each subsequent movement. Please note that at the time of drafting of this guidance **no** Parties to the Convention have indicated that they require such information.

**6.8 Information to accompany exported chemicals**

All chemicals that are intended for export must be packaged and labelled in the same way as if they were to be marketed in the Republic of Turkey unless the importing country has its own specific requirements, taking into account also relevant international standards.

The relevant national rules are laid down in the following legal acts:

* **The By-Law on classification, labelling and packaging of substances and mixtures** [O.G. No 28848 of 11.12.2013];
* **The By-law on Biocidal Products** [O.G. No 27449 of 31.12.2009];
* **Law on Veterinary Services, Plant Health, Food and Forage** [O.G. No 5996 of11.06.2012];
* **By-law on the Certification of Pesticides** [O.G. No 27885 of 25.03.2011]

Furthermore, according to By-law O.G. No 29204 of 13.12.2014 on compilation and provision of Safety Data Sheets for hazardous substances and mixtures, a safety data sheet must accompany exported hazardous chemicals. The exporter must send such an SDS to each importer when the chemical is exported. See also sub-section 6.8.3 of this guidance document.

**6.8.1 Content of the label**

According to the By-Law on classification, labelling and packaging of substances and mixtures [O.G. No 28848 of 11.12.2013], substances or mixtures classified as hazardous and contained in packaging must bear a label including the following information:

* The name, address and telephone number of the supplier(s);
* The nominal quantity of the substance or mixture in the package made available to the general public, unless this quantity is specified elsewhere on the package;
* Product identifiers for substance or mixture; as a general rule, the same product identifier(s) as selected for the label must be used in the SDS for a substance or mixture;
* Where applicable:
* Hazard pictograms, i.e. a pictorial presentation to communicate information on the hazard concerned;
* Signal words indicating the relative level of severity of a particular hazard;
* Hazard statements describing the nature and severity of the hazards of a substance or mixture;
* Precautionary statements giving advice on measures to prevent or minimise adverse effects to human health or the environment arising from the hazards of a substance or mixture;
* A section for supplemental information to incorporate additional labelling information;

Furthermore, according to Article 15(2) of the PIC By-Law the information on the label also has to include the expiry date (for different climate zones if necessary) and the production date, where appropriate.

**6.8.2 Hazard pictograms used in the EU**

Hazard pictograms pursuant to the By-Law O.G. No 28848 of 11.12.2013, which implements the Globally Harmonised System of Classification and Labelling of Chemicals (GHS):

**Physical Hazards**

   

GHS01 GHS02 GHS03 GHS04



GHS05

**Health and Environmental Hazards**



GHS05 GHS06 GHS07 GHS08 GHS09

The GHS pictograms are provided free of charge for download from the website of United Nations Economic Commission for Europe (UNECE): <http://www.unece.org/trans/danger/publi/ghs/pictograms.html>.

**6.8.3 Safety Data Sheet (SDS)**

By-law O.G. No 29204 of 13.12.2014 on compilation and provision of Safety Data Sheets for hazardous substances and mixtures requires the supplier of a substance or a mixture to provide an SDS.

The PIC By-Law requires that an SDS must accompany exported chemicals. The exporter must send an SDS to each importer together with the chemical. The information on the label and on the safety data sheet must, insofar as possible, be provided in the official languages, or in one or more of the principal languages, of the country of destination or of the area of intended use (see Appendix 2 to this guidance document).

*Legal reference: Article 15 of the PIC By-Law*

**6.9 Obligation of the authorities of the Member States to control exports**

The Government of the Republic of Turkey has to designate authorities such as customs offices to control imports and exports of chemicals listed in Annex I and II. For more information on control of **imports** see section 6.2.1 above.

Together with other relevant bodies the Ministry of Environment and Urbanisation must coordinate their enforcement activities in relation to exporters and monitor exporters’ compliance with the PIC By-Law. It is envisaged that all institutions involved should act in a coordinated and targeted way.

The following checklist might be useful to the Ministry of Environment and Urbanisation and other enforcement authorities as a basis for their list of what control of exports should cover:

* Is the chemical banned for export (i.e. included in Annex VI to the PIC By-Law)?
* Is the chemical being exported subject to export notification (specifically listed in Annex I or in a generic group listed in Annex I)?
* Has an annual export notification been submitted by the exporter and accepted by the Ministry of Environment and Urbanisation?
* Does the chemical appear in Annex II (*List of chemicals subject to PIC procedure and explicit consent procedure*)? Does the latest PIC Circular show the consent of the importing country or is there evidence that explicit consent has otherwise been given or is there evidence in the importing country that the chemical is licensed, registered or authorised or is there evidence that it has previously been used in, or imported into, the importing country and in relation to which no regulatory action to prohibit its use for the category concerned has been taken?
* Is the Annex II chemical a plant protection product imported to be re-exported? If so, does the designated national authority or an appropriate authority of the importing country provided a previous written consent to the Ministry of Food, Agriculture and Livestock?
* Do packaging and labelling comply with the relevant provisions of Articles 12(11), 12(12) and 15 (hazard pictograms, precautionary statements, language, etc.)?
* Is the shipment accompanied by a safety data sheet (SDS) in a language that is expected to be understandable in the importing country?

**6.10 Exchange of information**

The Ministry of Environment and Urbanisation assisted by the relevant Ministries are to facilitate the provision of information to other countries about chemicals subject to the PIC By-Law. The PIC By-Law acknowledges the need for certain confidentiality safeguards. However, in line with the Convention, Article 18(3) of the PIC By-Law defines what information shall not be regarded as confidential. These are the following information:

* The information specified in Annex III (*Export notification*) and Annex IV (*Notification to the Secretariat of the Convention of a banned or severely restricted chemical*);
* The information contained in an SDS;
* The expiry date of the chemical;
* The production date of the chemical;
* Information on precautionary measures, including hazard classification, the nature of the risk and the relevant safety advice;
* The summary results of toxicological and ecotoxicological tests;
* Information concerning handling packaging after chemicals have been removed.

*Legal reference: Article 18 of the PIC By-Law*

**6.11 Technical assistance**

The Ministry of Environment and Urbanisation have to cooperate in promoting technical assistance, in particular with a view to enabling developing countries and countries with economies in transition to implement the Convention.

*Legal reference: Article 19 of the PIC By-Law*

**6.12 Updating of Annexes**

According to Article 20(1) of the PIC By-Law, at least once a year the Ministry of Environment and Urbanisation assisted by other relevant Ministries is required to review, on the basis of the development in the Republic of Turkey law and under the Convention, the list of chemicals in Annex I and II to the PIC By-Law.

When new chemicals are included in the relevant parts of Annex I this will then trigger as appropriate export notification requirements, submission of an FRA notification, explicit consent for export requirements, and the obligation to respect other countries’ import decisions for chemicals subject to the PIC procedure.

The following measures to update Annexes have to be adopted by the same procedure:

* Inclusion of a chemical in Annex I pursuant to Article 20(2) following final regulatory action at national level, and other amendments of Annex I, including modifications to existing entries;
* Inclusion of a chemical subject to Stockholm Convention on persistent organic pollutants in Part 1 of Annex VI;
* Inclusion of a chemical already subject to an export ban at national level in Part 2 of Annex VI;
* Modifications to existing entries in Annex VI;
* Amendment of Annexes III, V and VI.

*Legal reference: Article 20 of the PIC By-Law*

**7. EXAMPLES**

This section provides practical examples that outline the steps to be taken by exporters in a number of possible scenarios.

Example 1 outlines several requirements concerning the information to be provided in customs declarations and to DNAs, as well as packaging and labelling obligations that must be respected whenever Annex I chemicals are exported. To avoid repetition, these requirements are not detailed in full after Example 1 but simply referenced.

First, during the first quarter of the following year the exporter must report to the Ministry of Environment and Urbanisation the quantities of:

* Annex I and/or II chemicals;
* Certain mixtures containing Annex I and/or II substances

which the exporting company has shipped pursuant to the PIC By-Law. Furthermore, the exporter must also report the names and addresses of each importer to whom the shipment was made.

Finally, exporters of Annex I and II chemicals must package and label their products according to Turkish legislation, unless those provisions would conflict with any specific requirements of the importing country.

In addition, an SDS must be sent to each importer. The information in the SDS must (insofar as possible) be provided in the official language(s), or in one or more of the principal languages, of the country of destination or of the area of intended use (see Appendix 2 to this guidance document for a list of official and principal other languages for SDSs and labelling of exports to certain countries). It is also strongly recommended that the exporter attach an English-language version of the SDS (if available) when creating an export notification to facilitate processing of the notification by the Ministry of Environment and Urbanisation.

**Example 1**

An exporter intends to export for the first time **1,1,1-trichloroethane** to India.

**1,1,1-trichloroethane** is listed in Annex I to the PIC Regulation, as it is severely restricted for industrial use.

* The exporter prepares and submits an export notification, supplying the information set out in Annex III to the PIC By-Law to the Ministry of Environment and Urbanisation at least 30 days before the export.
* The exporter provides an English version of the SDS when submitting the export notification to facilitate processing of the notification by the Ministry of Environment and Urbanisation.
* The Ministry of Environment and Urbanisation checks the export notification.
* Having verified that no export notification has already been made for that calendar year, for that chemical to that country, the Ministry of Environment and Urbanisation sends the notification to India.
* The Ministry of Environment and Urbanisation should receive the acknowledgement of receipt form the importing country India and informs the exporter that the export can proceed.
* The chemical is packaged and labelled as if it were to be marketed in the Republic of Turkey, as it has been established that the importing country does not have its own specific requirements. The exporter sends an SDS in the official language of India (whose official language is not English) to the importer*.*
* The information on the label is also provided in the official language used by India (see Appendix 2 for further guidance on languages).
* The expiry and production dates are indicated on the label. The chemical is not exported later than six months before the expiry date.
* During the first quarter of the next year, the exporter informs the Ministry of Environment and Urbanisation of the importers details and quantities of the chemical shipped to India during the preceding year.

**Example 2**

“DEF Chemicals” intends to export lead carbonate to China.

Lead carbonate is listed in Annex I to the PIC By-Law and has been exported to China by another company earlier in the year, but was never exported by “DEF Chemicals” before.

* The exporter prepares and submits an export notification, supplying the information set out in Annex III to the PIC By-Law to the Ministry of Environment and Urbanisation at least 30 days before the export.
* The Ministry of Environment and Urbanisation checks the notification and, having established that the export notification is complete and correct, approves it. Given that an export notification has already been made for that calendar year, for lead carbonate to China, the export notification is archived without being sent to the importing country.
* The requirements relating to the information to be provided in customs declarations and to the Ministry of Environment and Urbanisation, as well as to packaging and labelling of exports, the expiry date, the provision of SDSs and obligation to report on quantities of the chemical shipped to China during the preceeding year apply, as outlined in Example 1.

**Example 3**

Company “Pest Monitoring” intends to export Azinphos-methyl to Panama, which is a Party to the Convention.

Azinphos-methyl is subject to the PIC procedure under the Rotterdam Convention and therefore listed in Annex II to the PIC By-Law. Panama has reported an import decision in the latest update of the PIC Circular, giving consent.

* The exporter does not need to submit an export notification and can proceed with the export provided that the expected use in the importing country corresponds to the category for which the substance was listed in Annex III to the Convention.
* The requirements relating to the information to be provided in customs declarations and to the Ministry of Environment and Urbanisation, as well as to packaging and labelling of exports, the expiry date, the provision of SDSs and obligation to report on quantities of the chemical shipped to Panama during the preceeding year apply, as outlined in Example 1.

**Example 4**

Company “Pest Killer” intends to import monocrotophos from Malaysia to produce a pesticide, and then export the mixture to Gabon. Monocrotophos is banned in the Republic of Turkey for use as a plant protection product. The substance is listed in Annex II to the PIC By-Law (being subject to the PIC procedure in the pesticides category). The final import decision for Gabon is ‘consent’. Suppose that in the latest PIC Circular the import decision for the Republic of Turkey is ‘no consent’ for the pesticide use category.

* Notwithstanding the Turkish import decision, the company “PestKiller” may import the substance for industrial processing to produce a pesticide as this will not be marketed within the Republic of Turkey.
* Since Gabon has given consent to import, the export may proceed.
* The requirements relating to the information to be provided in customs declarations and to the Ministry of Environment and Urbanisation, as well as to packaging and labelling of exports, the expiry date, the provision of SDSs and obligation to report on quantities of the chemical shipped to Gabon during the preceeding year apply, as outlined in Example 1. In addition the company must report the quantity of the chemical imported.
* The size and packaging of containers are optimised to minimise the risks of creating obsolete stocks.

**Example 5**

Company “Pest Killer” intends to import monocrotophos from Malaysia to produce a pesticide, and then export the mixture to Angola. Monocrotophos is banned in the Republic of Turkey for use as a plant protection product. The substance is listed in Annex II to the PIC By-Law (being subject to the PIC procedure in the pesticides category). Angola is not Party to the Rotterdam Convention. Suppose that in the latest PIC Circular the import decision for the Republic of Turkey is ‘no consent’ for the pesticide use category. Suppose that the relevant Angolan authority provided a previous written consent to the Ministry of Food, Agriculture and Livestock for importing monocrotophos.

* Notwithstanding the Turkish import decision, the company “PestKiller” may import the substance for industrial processing to produce a pesticide as this will not be marketed within the Republic of Turkey.
* The exporter prepares and submits an export notification, supplying the information set out in Annex III to the PIC By-Law to the Ministry of Environment and Urbanisation at least 30 days before the export.
* The Ministry of Environment and Urbanisation checks the notification.
* Angola is not Party to the RC and no previous explicit consent is available. Therefore the Ministry of Environment and Urbanisation should seek and obtain an explicit consent.
* But, Angolan authority provided a previous written consent to the Ministry of Food, Agriculture and Livestock for importing monocrotophos. MoFAL informed the Ministry of Environment and Urbanisation in due time.
* The Ministry of Environment and Urbanisation informs the exporter that the export can proceed.
* The requirements relating to the information to be provided in customs declarations and to the Ministry of Environment and Urbanisation, as well as to packaging and labelling of exports, the expiry date, the provision of SDSs and obligation to report on quantities of the chemical shipped to Gabon during the preceeding year apply, as outlined in Example 1. In addition the company must report the quantity of the chemical imported.
* The size and packaging of containers are optimised to minimise the risks of creating obsolete stocks.
* Label contains specific information about storage conditions and storage stability under the climatic conditions of Gabon.

**Example 6**

An exporter wishes to export for the first time chlordimeform to Montenegro, which is a Party to the Convention. Chlordimeform is listed in Annex II to the PIC By-Law since it is subject to the PIC procedure in the pesticide category. No import decision for Montenegro is listed in the latest PIC Circular.

* The exporter must submit an export notification supplying the information set out in Annex III to the PIC By-Law to the Ministry of Environment and Urbanisation at least 30 days before the export.
* MoEU verifies if there is an explicit consent available issued by Montenegro for that chemical and that category. If a valid explicit consent is available the export can proceed and the exporter is informed accordingly.
* If no explicit consent is available, the Ministry of Environment and Urbanisation verifies if one of the following condition is met:
* Evidence from official sources in the importing Party or other country that the chemical, at the time of import, is licensed, registered or authorised;
* Evidence exists that it has previously been used in, or imported into Montenegro and in relation to which no regulatory action to prohibit its use for the category concerned has been taken.
* If one of the above conditions is met, the export can proceed and the exporter is informed accordingly.
* If none of the above conditions is met the export cannot proceed unless the DNA in Montenegro has given its explicit consent to import of chlordimeform. The Ministry of Environment and Urbanisation will have to seek this consent from the DNA in Montenegro.
* No response was received within 30 days and the Ministry of Environment and Urbanisation sent a reminder. Despite all reasonable efforts, no response was received within 60 days.
* The Ministry of Environment and Urbanisation in consultation with other relevant Ministries, on a case-by-case basis and at the **written request of the exporter** decides that the export can proceed as there is no evidence from official sources of final regulatory action to ban or severely restrict the use of chlordimeform taken by Montenegro.
* The decision to proceed with export in the absence of explicit consent shall be subject to periodic review by the Ministry of Environment and Urbanisation in consultation with the relevant Ministries concerned.
* Should the export proceed, either under an explicit consent or under a waiver, the requirements relating to the information to be provided in customs declarations and to the Ministry of Environment and Urbanisation, as well as to packaging and labelling of exports, the expiry date, the provision of SDSs and obligation to report on quantities of the chemical shipped to Montenegro during the preceeding year apply, as outlined in Example 1.
* Label contains specific information about storage conditions and storage stability under the climatic conditions of Montenegro.
* The size and packaging of containers are optimised to minimise the risks of creating obsolete stocks.

**Example 7**

Company “BromineLLC” intends to export 1,2-dibromoethane (EDB) to India for **industrial use**.

EDB is listed in Annex II to PIC By-Law. It is banned for plant protection use and is listed in the PIC procedure in the pesticides category. In the latest PIC Circular the import decision for India is ‘consent’ for use as a pesticide.

* Since the substance is subject to the PIC procedure for pesticide use but not for industrial use, India has not established a decision giving consent to import of EDB for industrial uses. Consequently, the exporter must submit an export notification.
* Same procedure as outlined in Example 6 applies except the last two bullets which are peculiar to plant protection products and biocidal products only.

**Example 8**

Company “Timber” intends to export “Antisapstain” - a preservative mixture containing pentachlorophenol (60% active ingredient) to USA.

Pentachlorophenol is listed in Annex II to the PIC By-Law, being subject to the PIC procedure in the pesticides category. USA is not a Party to the Convention so there are no import decisions for that country listed in any PIC Circular. Another company has exported another mixture (with 30% pentachlorophenol) earlier in the year having obtained through the Ministry of Environment and Urbanisation the explicit consent of USA's authorities. The explicit consent does not cover all mixtures containing pentachlorophenol, only that particular mixture (60% active ingredient).

* The exporter must submit an export notification supplying the information set out in Annex III to the PIC By-Law to the Ministry of Environment and Urbanisation at least 30 days before the export.
* However, the export cannot proceed since the existing explicit consent was limited to a different formulation. To obtain such consent, the same procedure as outlined in Example 6 must be followed.
* The requirements relating to the information to be provided in customs declarations and to the relevant Ministry of Environment and Urbanisation, as well as to packaging and labelling of exports, the expiry date, the provision of SDSs and obligation to report on quantities of the chemical shipped to USA during the preceeding year apply, as outlined in Example 1.
* Label contains specific information about storage conditions and storage stability under the climatic conditions
* The size and packaging of containers are optimised to minimise the risks of creating obsolete stocks.

**Example 9**

Company “Laboratory Pesticides Detection” intends to export 2 Kg of alachlor for use in analysis in a laboratory to Australia (Interim decision, there are no details in the latest PIC Circular - <http://www.pic.int/Procedures/ImportResponses/Database/tabid/1370/language/en-US/Default.aspx>).

Alachlor is listed in Annex II to the PIC By-Law, and therefore explicit consent from Australia would in theory be required. Since the quantity of alachlor intended to be exported in 2017 to Australia is less than 10 kg and not considered likely to affect health or the environment as it is used under laboratory conditions for analysis, the export falls under Article 2 (3) of the PIC By-Law and is therefore exempted from its provisions.

However, exporters of chemicals exported for the purpose of research or analysis according to Article 2(3) shall inform the Ministry of Environment and Urbanisation within 3 days before shipment takes place (ref. Article 9(3) of the PIC By-Law)).

**Appendix 1: Overview of exporters’ main tasks in order to comply with PIC By-Law**

**1.** To notify the Ministry of Environment and Urbanisation no later than 30 days prior to the first export of any chemical (either as substance itself or in mixture) listed in Annex I; to also notify no later than 30 days prior to the first export in each subsequent calendar year (Article 7);

**2.** To respect the import responses of importing countries in relation to PIC chemicals listed in Annex Il (Article 12(3));

**3.** Not to export chemicals listed in Annex Vl (Article 13(1)), unless such chemicals fall under the provisions of Article 2(3) of the PIC By-Law (chemicals exported for the purpose of research or analysis in quantities that are unlikely to affect human health or the environment and that in any event do not exceed 10 kg from each exporter to each importing country per calendar year). It should also be stressed that certain chemicals listed in Annex V Part 2 can be exported under specific conditions related to their use or concentration.

**4.** Not to proceed with exports of chemicals (either as substances or in mixtures) Annex Il without obtaining an authorisation from the Ministry of Environment and Urbanisation. This authorisation may be based on the explicit consent of the DNA/appropriate authority of the importing country or on the application of a waiver pursuant to Article 12(6) of PIC By-Law;

**5.** To indicate the respective GTIP number and HS Code on customs declarations, if available;

**6.** To provide to the Ministry of Environment and Urbanisation any information required by an importing Party to the Convention no later than 30 days before the first transit movement of a chemical listed in Annex Il takes place and no later than eight days before each subsequent transit movement (Article 14);

**7.** To ensure that all exported hazardous chemicals and mixtures are packaged and labelled in accordance with the provisions on packaging and labelling established in, or pursuant to the By-Law O.G. No 28848 of 11.12.2013on classification, labelling and packaging of substances and mixtures, Biocidal Products By-Law, or any other relevant legislation (Article 15(1));

**8.** Where appropriate, to indicate expiry and production dates on the label (Article 15(2));

**9.** Insofar as possible, to ensure that the information on the label and on the safety data sheet (SDS) is given in the official language(s), or in one or more of the principal languages of the importing country (Article 15(4));

**10.** To provide an SDS to each importer (Article 15(3)). Insofar as possible, the information in the SDS should be given in the official/principal language(s) of the importing country;

**11.** Not to export chemicals later than six months before their expiry date, where applicable. In the case of plant protection products and biocidal products, to ensure that the size and packaging of containers is such as to minimise risks of creating obsolete stocks. In addition, to include on the label appropriate information on storage conditions and stability (Articles 12(11) and 12(12));

**12.** To provide on request the importing countries with available additional information on exported chemicals (Article 7(7));

**13.** Before 31 March of each year, to submit to the Ministry of Environment and Urbanisation an annual report for the preceding year on quantities of chemicals listed in Annex I and II exported (similar obligation imposed on importers as regards imports).. Any additional necessary information also has to be provided upon request (Article 9);

**14.** Where a chemical qualifies for notification to the Secretariat (Annex I chemicals), but information is insufficient to meet the requirements of Annex V, to provide all relevant available information to the Ministry of Environment and Urbanisation upon request within 60 days of the request (similar obligation imposed on importers) (Article 10(4)).

**Appendix 2. List of official and principal other languages for SDSs and labelling of exports to certain countries**

|  |  |  |
| --- | --- | --- |
| **Country** | **Official language** | **Principal other languages used in international communication**  **communications** |
| **Afghanistan** | Pashto, Afghan Persian, Dari | English |
| **Albania** | Albanian | English |
| **Algeria** | Arabic | French |
| **Andorra** | Catalan | Spanish, French, Portuguese |
| **Angola** | Portuguese | French |
| **Antigua and Barbuda** | English |  |
| **Argentina** | Spanish | English, Italian, German, French |
| **Armenia** | Armenian | English, Russian |
| **Australia (and External**  **Territories)** | English |  |
| **Azerbaijan** | Azerbaijani (Azeri) | English, Russian |
| **Bahamas** | English |  |
| **Bahrain** | Arabic | English |
| **Bangladesh** | Bangla (Bengali) | English |
| **Barbados** | English |  |
| **Belarus** | Belarussian, Russian | English, Polish |
| **Belize** | English | Spanish |
| **Benin** | French |  |
| **Bhutan** | Dzongkha | English |
| **Bolivia** | Spanish, Quechua, Aymara | English |
| **Bosnia and Herzegovina** | Bosnian, Croatian, Serbian |  |
| **Botswana** | English |  |
| **Brazil** | Portuguese | English, Spanish |
| **Brunei Darussalam** | Malay | English |
| **Burkina Faso** | French |  |
| **Burundi** | French, Kirundi |  |
| **Cambodia** | Khmer | English, French |
| **Cameroon** | English, French |  |
| **Canada** | English, French |  |
| **Cape Verde, Republic of** | Portuguese | French |
| **Central African Republic** | French |  |
| **Ceuta, Melilla** | Spanish |  |
| **Chad** | French, Arabic |  |
| **Chile** | Spanish | English, German |
| **China (People's Republic of)** | Standard Mandarin Chinese | English |
| **Colombia** | Spanish | English |
| **Comoros** | Arabic, French |  |
| **Congo (Republic of)** | French |  |
| **Cook Islands** | English, Cook Islands Maori (Rarotongan) |  |
| **Costa Rica** | Spanish | English |
| **Côte d'Ivoire** | French | |
| **Cuba** | Spanish | English |
| **Curaçao** | Papiamentu, Dutch |  |
| **Democratic People's Republic of Korea** | Korean | English |
| **Democratic Republic of Congo** | French |  |
| **Djibouti** | French, Arabic |  |
| **Dominica** | English |  |
| **Dominican Republic** | Spanish | English |
| **Ecuador** | Spanish | English |
| **Egypt** | Arabic | English, French |
| **El Salvador** | Spanish | English |
| **Equatorial Guinea** | Spanish | French |
| **Eritrea** | Arabic, Tingrinya, English |  |
| **Ethiopia** | Amharic, Arabic, English | French |
| **Federated States of Micronesia** | English |  |
| **Falkland Islands** | English |  |
| **Faroe Islands** | Faroese, Danish |  |
| **Fiji** | English, Fijian |  |
| **French Polynesia** | Polynesian, French |  |
| **Gabon** | French |  |
| **Gambia** | English |  |
| **Georgia** | Georgian | English, Russian |
| **Ghana** | English |  |
| **Greenland** | Greenlandic (East Inuit), Danish | English |
| **Grenada** | English |  |
| **Guatemala** | Spanish | English |
| **Guinea** | French |  |
| **Guinea-Bissau** | Portuguese | French |
| **Guyana** | English |  |
| **Haiti** | French, Creole | English |
| **Honduras** | Spanish | English |
| **Hong Kong** | Cantonese, English |  |
| **Iceland** | Icelandic | English |
| **India** | Hindi, English |  |
| **Indonesia** | Bahasa Indonesia | English, Dutch |
| **Iran** | Persian | English, French |
| **Iraq** | Arabic, Kurdish | English |
| **Israel** | Hebrew | English |
| **Jamaica** | English |  |
| **Japan** | Japanese | English |
| **Jordan** | Arabic | English |
| **Kazakhstan** | Kazakh, Russian | English |
| **Kenya** | Kiswahili, English |  |
| **Kiribati** | English |  |
| **Korea, Democratic People’s Republic of** | Korean |  |
| **Korea, Republic of** | Korean | English |
| **Kosovo (under UNSCR 1244/99)** | Albanian, Serbian | English |
| **Kuwait** | Arabic | English |
| **Kyrgyzstan** | Kyrgyz, Russian | English |
| **Laos** | Lao | English, French |
| **Lebanon** | Arabic | French, English |
| **Lesotho** | Sesotho, English |  |
| **Liberia** | English |  |
| **Libya** | Arabic | English |
| **Liechtenstein** | German | French |
| **Macedonia** | Macedonian, Albanian | English |
| **Madagascar** | French, Malagasy | English |
| **Malawi** | English, Chichewa |  |
| **Malaysia** | Bahasa Malaysia | English |
| **Maldives** | Dhivehi | English |
| **Mali** | French |  |
| **Marshall Islands** | Marshallese, English |  |
| **Mauritania** | Arabic | French |
| **Mauritius** | English |  |
| **Mexico** | Spanish | English |
| **Moldova, Republic of** | Moldovan | English, Russian |
| **Monaco** | French | English, Italian |
| **Mongolia** | Khalkha Mongol | English, Russian |
| **Montenegro** | Montenegrin | English |
| **Morocco** | Arabic, Tamazight | French |
| **Mozambique** | Portuguese | English |
| **Myanmar** | Burmese | English |
| **Namibia** | English | German |
| **Nauru** | Nauruan | English |
| **Nepal** | Nepali | English |
| **New Caledonia** | French |  |
| **New Zealand (and Associated Territories)** | English, Maori, New Zealand Sign Language |  |
| **Nicaragua** | Spanish | English |
| **Niger** | French |  |
| **Nigeria** | English |  |
| **Norway (and Dependency)** | Norwegian | English |
| **Oman** | Arabic | English |
| **Pakistan** | Urdu, English |  |
| **Palestine, State of** | Arabic | English |
| **Panama** | Spanish | English |
| **Papua New Guinea** | Tok Pisin, Hiri Motu | English |
| **Paraguay** | Spanish, Guarani | English |
| **Peru** | Spanish, Quechua, Aymara | English |
| **Philippines, Republic of the** | Tagalog (Philipino), English |  |
| **Puerto Rico** | Spanish, English |  |
| **Qatar** | Arabic | English |
| **Russian Federation** | Russian | English |
| **Rwanda** | Kinyarwanda, French, English |  |
| **Saint Kitts and Nevis** | English |  |
| **Saint Lucia** | English |  |
| **Saint Vincent and The**  **Grenadines** | English |  |
| **Samoa** | Samoan | English |
| **San Marino** | Italian | French, English |
| **Sao Tome and Principe** | Portuguese | French |
| **Saudi Arabia** | Arabic | English |
| **Senegal** | French |  |
| **Serbia** | Serbian | English |
| **Seychelles** | English, Creole, French |  |
| **Sierra Leone** | English |  |
| **Singapore** | Mandarin, Malay, Tamil, English |  |
| **Sint Maarten** | Dutch, English | French, Spanish |
| **Solomon Islands** | Melanesian pidgin, English |  |
| **Somalia** | Somali, Arabic | English, Italian |
| **South Africa** | IsiZulu, Afrikaans, English |  |
| **Sri Lanka** | Sinhala | English |
| **Sudan** | Arabic, English |  |
| **Suriname** | Dutch | English |
| **Swaziland** | Siswati, English |  |
| **Switzerland** | French, German, Italian | English, Portuguese, Spanish |
| **Syrian Arab Republic** | Arabic | English, French |
| **Taiwan** | Mandarin Chinese | English |
| **Tajikistan** | Tajik | English, Russian |
| **Tanzania, United Republic of** | Swahili, English |  |
| **Thailand** | Thai | English |
| **Togo** | French |  |
| **Tonga** | Tongan, English |  |
| **Trinidad and Tobago** | English | French, Spanish |
| **Tunisia** | Arabic | French |
| **Turkey** | Turkish | English |
| **Turkmenistan** | Turkmen | English, Russian |
| **Tuvalu** | Tuvaluan, English |  |
| **Uganda** | English |  |
| **Ukraine** | Ukrainian | English, Polish, Russian |
| **United Arab Emirates** | Arabic | English |
| **United States of America (and External Territories)** | English |  |
| **Uruguay** | Spanish | English |
| **Uzbekistan** | Uzbek | English, Russian |
| **Vanuatu** | Bislama, English, French |  |
| **Vatican City State (Holy See)** | Italian, Latin |  |
| **Venezuela, Bolivarian Republic of** | Spanish | English |
| **Vietnam** | Vietnamese | English, French |
| **Wallis and Futuna Islands** | French |  |
| **Yemen** | Arabic | English |
| **Zambia** | Bemba, English |  |
| **Zimbabwe** | English | |

**Appendix 3. List of acronyms**

**C&L** Classification and Labelling

**CAS** Chemical Abstracts Service Registry

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

**COP** Conference of Parties to the Rotterdam Convention

**CRC** Chemical Review Committee of the Rotterdam Convention

**DGD** Decision Guidance Document

**DNA** Designated National Authority

**ECHA** European Chemicals Agency

**FAO** Food and Agriculture Organization of the United Nations

**GHS** Globally Harmonised System of Classification and Labelling

**Hazard Statement** a phrase assigned to a hazard class and category that describes the nature of the hazards of a hazardous substance or mixture, including where appropriate, the degree of hazard

**OECD** Organisation for Economic Cooperation and Development

**PCBs** Polychlorinated biphenyls

**PCTs** Polychlorinated terphenyls

**PIC** Prior Informed Consent

**POPs** Persistent Organic Pollutants

**PPP** plant protection product

**Precautionary Statement** a phrase that describes recommended measure(s) to minimise or prevent adverse effects resulting from exposure to a hazardous substance or mixture due to its use or disposal

**SDS** Safety Data Sheet

**SHPF** severely hazardous pesticide formulation

**UNECE** United Nations Economic Commission for Europe

**UNEP** United Nations Environment Programme

1. [PIC Regions](http://www.pic.int/Countries/PICRegions/tabid/1070/language/en-US/Default.aspx). [↑](#footnote-ref-1)
2. <http://chm.pops.int/TheConvention/ThePOPs/The12InitialPOPs/tabid/296/Default.aspx>

   <http://chm.pops.int/TheConvention/ThePOPs/TheNewPOPs/tabid/2511/Default.aspx> [↑](#footnote-ref-2)
3. The chemicals to be considered herein are only Annex II chemicals irrespective of the presence of any other substance. [↑](#footnote-ref-3)
4. The chemicals to be considered herein are only Annex II chemicals irrespective of the presence of any other substance. [↑](#footnote-ref-4)
5. Quantities of Annex I and II chemical(s) should be reported in kilograms or liters. For the correct identification of the chemical, the relevant CAS number should be reported. Note also that it is the quantity of chemical for which an export notification has been made that needs to be reported and not the quantity relating to a group of chemicals such as for example ‘mercury compounds’. [↑](#footnote-ref-5)
6. <http://www.pic.int/Procedures/ImportResponses/Database/tabid/1370/language/en-US/Default.aspx> [↑](#footnote-ref-6)
7. Beginning with volume XLIV – December 2016 the PIC Circular has been streamlined. <http://www.pic.int/Implementation/PICCircular/tabid/1168/language/en-US/Default.aspx> [↑](#footnote-ref-7)
8. <http://www.pic.int/tabid/1370/language/en-US/Default.aspx> [↑](#footnote-ref-8)