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Outcome of the Virtual Working Group on issues of concern

Note by the Secretariat

1. The Annex to this note presents the outcome of the Virtual Working Group on issues of concern held between October 2020 to February 2021.

2. Further details on the work of the Virtual Working Group on issues of concern is available here: http://www.saicm.org/Beyond2020/IntersessionalProcess/VirtualWorkingGroups/tabid/8563/language/en-US/Default.aspx.

Annex: Outcome of the Virtual Working Group on issues of concern

1) Introduction

1. The Co-chairs of the Intersessional Process in consultation with the ICCM5 President and the Bureau developed a scenario note for the path forward to develop recommendations for submission to the fifth session of the International Conference on Chemicals Management. The scenario note was made available in all 6 United Nations languages and can be found here. It served as a basis for the establishment and the work of the four Virtual Working Group.

2. The mandate of the Virtual Working Group on issues of concern reads as follows:

Mr. Sam Adu-Kumi from Ghana and Mr. Sverre Thomas Jahre from Norway served as Co-facilitators of the Virtual Working Group.

2) Mandate

The mandate was to make proposals to enable work on the issues of concern to advance in the lead-up to the fourth meeting of the intersessional process, building on annex B to the compilation of recommendations (SAICM/IP.4/2).

Specific tasks included the following:

(i) Review annex B to document SAICM/IP.4/2 and identify possibilities for compromise and alternative text in areas of divergence and identify any gaps;

(ii) Develop proposals for draft procedures for the identification, nomination, selection, review and prioritization of the issues of concern, determining the need for further work and the time needed for considering issues of concern, drawing on experience from existing forums;

(iii) Develop proposals on how to deal with emerging policy issues and other issues of concern.

Relevant background documents:

SAICM/IP.4/2: Compilation of recommendations regarding the Strategic Approach and the sound management of chemicals and waste beyond 2020, for consideration by the fifth session of the International Conference on Chemicals Management.

The Co-facilitators further identified the following relevant background documents:

An Assessment Report on Issues of Concern - September 2020
SAICM/OEWG.3/INF/24 - Annex to ICCM resolution II/4 Modalities for considering emerging policy issues

3) Process

3. The participation at the Virtual Working Group was open to all interested stakeholders. 262 people registered for this VWG from all SAICM stakeholder groups, different sectors and all UN regions. The list of participants as of 2 February 2021 can be found here.

4. Between 16 November 2020 and 2 February 2021, the VWG 3 had four virtual meetings and three rounds of electronic feedback. In these three rounds the co-facilitators of the VWG and the SAICM

Secretariat received 44 electronic submissions from SAICM stakeholders. The calendar of virtual meetings held and electronic input sought can be found here.

5. All relevant documents can be found here, including general information, pre-session documents, outputs and recordings, presentations, stakeholders' inputs and the lists of participants.

6. From an overarching perspective, the VWG agreed that process for addressing issues of concern should be simple, inclusive and transparent. In moving forward, the process for addressing issues of concern should also promote greater ownership and enhanced implementation and should also include consideration of the 2030 Agenda for Sustainable Development.

4) Textual recommendations

7. In response to part (a) and (b) of the mandate, the proposed text for issues of concern is set out below. The text recommendations have been developed by the co-facilitators of VWG3 based on the discussions at the virtual meetings and the written inputs received. The co-facilitators proposed text includes a brief rationale that sets out the background and context.

Proposed Title: Issues of [international] concern

Rationale

The group expressed different views on the title. As the views expressed went in different directions, the co-facilitators have not proposed a new title, but kept the one from the compilation document (SAICM/IP.4/2).

Based on the discussions, the co-facilitators would like to note that it could be difficult to address an issue which is not 'of concern' under this title.

Other alternative proposals for the title are set out in the box below.

Alternative Proposed Titles

(i) Issues of [International][Global] Concern [or Interest]
(ii) Preventing and addressing issues of concern
(iii) Issues of concern that warrant global action
(iv) [Broader] Issues for common action
(v) Priority issues for global action
(vi) Issues of focus
(vii) Issues to advance sustainability

A. Definition

8. An issue of concern is an issue involving any phase in the life cycle of chemicals and which has not yet been generally recognized, is insufficiently addressed or arises from the current level of scientific information and which may have significant adverse effects on human health and/or the environment.

Rationale

Based on the discussions and feedback, the definition used in ICCM Resolution II/4 is proposed as it is already agreed, simpler and viewed as more inclusive.
A number of participants indicated the need to include the word 'waste' in the definition. The co-facilitators note that the wording "involving any phase in the life cycle of chemicals" would also include the waste phase. There was a request to include the 2030 Agenda and SDG target 12.4 into the definition text.
Several stakeholders requested deletion of the word significant as it was felt to narrow the potential scope, while others noted the word significant may help to prioritize issues. There was an additional request to include alternative wording to incorporate issues that would benefit from focus attention and collaboration, including on Strategic Objective D.
During the discussions and in the electronic submissions, a number of proposals were raised. Additional comments that were submitted are set out in Annex 1, including two alternative proposals.

B. Submission of Information

9. To nominate an issue, the following information should be provided[1]:

a. Why the beyond 2020 instrument is best placed to advance the issue.
b. Impacts on human health and/or the environment related to the issue, taking into account inter alia women, children and other vulnerable populations, biodiversity ecosystems and any toxicological and exposure data;
Alt b. How addressing the issue through the beyond 2020 instrument[2] is expected to prevent or reduce significant adverse impacts on human health and/or the environment from chemicals and associated waste, taking into account inter alia women, children and other vulnerable populations, biodiversity ecosystems and any toxicological and exposure data or how addressing the issue is expected to foster research and development, invention, and accelerate the uptake of innovative and sustainable solutions for the sound management of chemicals and associated waste;
c. How the issue is integral to the vision of the Beyond 2020 instrument, is ongoing, and needs to be addressed to enhance basic chemicals and [associated] waste management3 and/or advance the implementation of innovative and sustainable solutions, particularly taking into account specific national circumstances;
d. How addressing the issue can assist countries to meet the Sustainable Development Goals;
e. Extent to which the issue is of a cross-cutting nature including at the sectoral level;
f. Extent to which the issue is being addressed by other bodies, at the regional or international level, and how the proposed action to address the issue is related to, complements, or does not duplicate such effort;
g. Existing knowledge and perceived gaps in understanding about the issue;
Alt g. Summary of existing knowledge, relevant past activities, and perceived gaps in understanding of or taking action on the issue;

[1] The information should be included in the nomination and not necessarily viewed as an information requirement.
[2] For the sake of consistency, the term instrument is used throughout the document. This text will be aligned with the name of the new instrument/framework when the name is decided upon.

[3] Consideration should be given to how the proposed action will further basic chemicals management as per the 11 basic elements in the Overall Orientation and Guidance.

h. A list of priority actions and related timelines to guide implementation and the elaboration of a proposed workplan, including opportunities for multi-stakeholder and multi-sectoral engagement.
Alt h. A potential lead agency of the issue, a list of priority actions and related timelines to guide implementation and the elaboration of a proposed workplan, including targets and corresponding indicators to assess the progress of implementation.

Rationale

There was general support for the information requirements set out in Annex B in the compilation document, and this text proposal follows Annex B as a starting point. Some attempt has been made to simplify the text and identify possibilities for compromise or alternative text in areas of divergence as per the mandate of this Virtual Working Group.

Inputs received in the written submissions were supportive of the text that was set out in Annex B. The co-facilitators have further revised their proposal above by consolidating the written submissions received into this section of the document. The title of this sub-section 'Submission of Information' has been revised to align more with the title from ICCM Resolution II/4.

With respect to criteria, many participants noted that the criteria originally set out in Annex B of the compilation document (a. adverse effects; b. coverage of the issue under other bodies; c. relevance; and d. recognition) were duplicative of the text above and were generally captured under the information requirements. Furthermore, criteria would not be foreseen as prerequisites to be fulfilled for consideration as an issue. With this in mind, the criteria section has been removed from the co-facilitators' proposal.

C. Nomination, selection and adoption process[4]

i. Nomination of issues

10. The process for nominating issues is open to any stakeholder. The nomination procedure will be made available on the Strategic Approach[5] website.

11. To promote communication about the nomination:
   a. nominations should be communicated widely, including to all Focal Points.
   b. regions may wish to add the subject to relevant regional meeting agendas.

12. Nominations must be submitted no later than six[6] months prior to a meeting of the Conference.

Rationale

- There was general support for the nomination procedure set out in Annex B in the compilation document.
- Some attempts have been made to simplify the text and identify possibilities for compromise or alternative text in areas of divergence as per the mandate of this virtual working group.
- Issues of concern will arise and evolve over time, and nominations will be allowed at any point.
- Many submissions have requested a longer timeframe for review of nominations, and we have inserted the text 'no later than' in paragraph 3. This requires further consideration, including how this timing may link to a possible OEWG in the future.
- One proposal came forward for increased horizon scanning functions to help assess the scientific evidence base which is further elaborated in Annex 1.
- Additional comments that were submitted in the process are noted in Annex 1.

ii. Initial review and publication of nominations

13. The secretariat will check nominations for completeness with the aim of assisting proponents in completing their nominations. Proponents will be contacted to provide any missing information.

14. The secretariat will compile a list of nominations, annotated with a summary of information from the submission. Similar nominations will be clustered so that similar issues can be considered in together, as appropriate and relevant.

15. An invitation to all stakeholders to provide comments will be issued by the secretariat prior to the session of the Conference at which they will be considered. Comments received from stakeholders on the nominations will be made publicly available by the secretariat.

16. The proponents of an issue will have an opportunity to revise their nomination to take into account comments or to clarify information provided and to work with other proponents to consolidate nominations that may be similar or complementary.

[4] Annex II includes a diagram to help outline the proposed nomination process.
[5] This text will be aligned with the name of the new instrument/framework when the name is decided upon.
[6] Many of the submissions asked for more time than 6 months. This requires further consideration, including how this timing may link to a possible OEWG in the future.

17. The secretariat will consolidate a final list of nominations, annotated with a summary of information.

Rationale

- The basis of this text has been extracted from the agreed text in ICCM resolution II/4. Some attempt has been made to simplify the text and update it to align it with Annex B.
- It was noted in the submissions that there is the additional need to include a role for initial review and publication of the nomination, as was the case in Resolution II/4. The co-facilitators have not made an attempt to insert this text at this stage.
- Additional comments that were submitted in the process are noted in Annex 1.

iii. Decision-making and adoption

18. New issues should be selected and adopted by a resolution of the Conference. If several issues are nominated, the Conference when considering nominations may choose to prioritise the issues. In adopting an issue, the Conference should:

a. agree to a list of priority actions and related timelines;
b. establish an ad hoc multi-stakeholder committee.

19. The ad hoc multi-stakeholder committees will undertake the following tasks:

a. develop and encourage implementation of a workplan, including propose indicators for relevant targets under different Strategic Objectives of the instrument;
b. coordinate with other relevant bodies, such as the IOMC organizations and others (e.g. the convention secretariats);
c. monitor and report on the progress against the indicators[7]; and
d. make recommendations for consideration of the Conference as appropriate.

Rationale

- Ad hoc multi-stakeholder committees are proposed to encourage implementation on the individual issues of concern. As previously stated, the co-facilitators have been inspired by the working groups for the Basel Convention Partnerships and the Global Alliance to Eliminate Lead Paint and have envisaged similar approaches.
- The membership of the ad hoc multi-stakeholder committees has not been discussed in any detail by the VWG. The intention for the ad hoc committees would be to be transparent, inclusive and representative of the multi-sectoral and multi-stakeholder nature of the instrument. The ad hoc committees would also need to be flexible and cost effective.
- In the written submissions, a number of comments came forward regarding the ad hoc committees that require further discussion, including:
    - Other proposals that came forward for the type of committee include: a Programme Board, lead agency (see annex 1).
    - A question about whether this group would be a subsidiary, an expert or an open-ended group?
- If a decision is taken at a future Conference to continue the work of the current emerging policy issues or other issues of concern under SAICM, it is proposed that efforts on these issues will also be guided by the process set out in section (iii), using existing efforts and structures that are on-going for the particular issue as a basis.

[7] This is further elaborated in part (D) Mechanisms for implementation, section (ii) Tracking progress.

- Furthermore, proposed text within the main body of the future instrument discussed in the Governance group should be reviewed in consideration of the Virtual Working Group 3 discussion. Section VI. Mechanisms to support implementation, part E. Subsidiary and ad hoc expert bodies is also relevant.
- Additional comments that were submitted in the process are noted in Annex 1.

D. Mechanisms for implementation

i. Workplans

20. Implementation of actions to address issues[8] is guided by a work plan with clear timelines and milestones;

21. All stakeholders [in a position to do so] are encouraged to take the necessary actions and/or provide [required] funding and necessary assistance towards the implementation of the workplan.

Rationale

The need to develop a work plan for specific, measurable and time-bound implementation was highlighted in the discussions and is reflected in this proposal from the co-facilitators.

A number of the submissions have highlighted the linkage between paragraph 1 and the development of targets for Issues of Concern, in line with the mandate of VWG 1. The co-facilitators recommend that this be given further consideration when there is further clarity on Strategic Objective C on issues of concern.
Some comments were raised regarding the need to ensure funding for the implementation of workplans and while doing so lessons learned from the current emerging policy issues and other issues of concern should be taken into consideration in moving forward.
Additional comments and proposals received in the written submissions are set out in Annex I.

ii. Tracking progress

22. The ad hoc multi-stakeholder committees, with support of the secretariat, will oversee monitoring and reporting back from stakeholders, and encourage implementation of the workplan, through:
reports to meetings of the [of the relevant body] [as determined by][of][the Conference], and at regular intervals as identified in the proposed workplan prepared in accordance with section (i), above;

a. periodic reviews within intersessional periods, and/or as requested by the Bureau; and
b. reporting on progress as outlined in the proposed workplan.

Rationale

ii. Tracking progress
This text is drawn from Annex B of the compilation document. Some attempt has been made to simplify the text and identify possibilities for compromise or alternative text in areas of divergence as per the mandate of this virtual working group.

[8] Once a decision is taken on the name / title of the issue (i.e. issues of concern, issues for common action etc.), the co-facilitators propose to reference that name / title throughout the text.

Additional comments received in the written submissions are set out in Annex I. The submissions show a range of proposals for the responsibility to track progress, ranging from a lead agency, the multi-stakeholder committees, to a Programme Board.

iii. Determining the need for further work on an issue

23. Determining the need for further work on an issue will be based on a full explanation of the rationale on a way forward, provided by the secretariat, in consultation with the multi-stakeholder committees, to the Conference following the progress evaluation of the activities carried out in accordance with the workplan.

24. The Conference may decide to conclude work on a particular issue.

Rationale

This text is drawn from Annex B of the compilation document. Some attempt has been made to simplify the text and identify possibilities for compromise or alternative text in areas of divergence as per the mandate of this virtual working group.

Additional comments received in the written submissions are set out in Annex I. The written submissions highlight that more discussion is needed in this area, particularly what entity is responsible to report to the Conference. The submissions show a range of proposals, including the secretariat, the lead agency, the multi-stakeholder committees and a Programme Board.

5) Parking lot and identified gaps

25. Issues that have not been taken up by this group and remain in a 'Parking Lot' for future discussions in the intersessional process include linkages to:

a. a science policy interface.
b. proposed Strategic Objective C on issues of concern and related targets and indicators. Stakeholders have also provided their inputs on Strategic Objective C on issues of concern via written submissions. These submissions are available on the dedicated VWG webpage.
c. reporting under mechanisms to support implementation. Currently the text in Section G states 'Every third year evaluate progress on Issues of Concern and recommend changes to the programmes of work if necessary'. A number of stakeholders submitted information on reporting related to issues of concern under Virtual Working Group 2 on Governance. Furthermore, part (D) Mechanisms for implementation, section (ii) Tracking progress has linkages to future reporting.
d. the name of the future SAICM / instrument / framework.
e. the term 'waste' and how it would be reflected.
f. subsidiary bodies. For example, if an OEWG is maintained in the beyond 2020 instrument, this may have an impact on the proposed timing of the submission of nominations.
g. modalities for the establishment of the proposed ad hoc multi-stakeholder committees for addressing the issues of concern set out within this proposal.

6) Next steps / Co-facilitators' recommendations

Future Process for Issues of Concern

26. With respect to part (a) and part (b) of the mandate, the co-facilitators believe that the proposed text set out in section (5) of this document could be used as a basis for future discussions in the intersessional process for issues of concern.

Existing emerging policy issues and other issues of concern

Background:

27. With respect to part (c) of the VWG3 mandate, a proposed process for addressing the existing emerging policy issues and other issues of concern is proposed below. It has been developed by the co-facilitators based on the discussions at the virtual meetings and the written inputs.

28. The emerging policy issues process has been useful in raising the profile of specific issues on the international stage. There is a need to continue many of the efforts on emerging policy issues and other issues of concern to move forward with a clear plan of action.

29. Progress to date has been variable across the issues.

30. The path forward must stimulate ownership for implementation and action in moving forward for the particular emerging policy issue and / or other issue of concern and an understanding of resourcing, both financial and in kind for each issue. The decision-making on the future of the emerging policy issues and other issues of concern should be transparent.

Proposed decision-making:

31. The VWG agreed that the International Conference is the appropriate body to take decisions on the path forward for the future of the current emerging policy issues and other issues of concern. There is a need to be flexible so that a decision may be taken to either continue, close, revise or move the issues to another forum on an issue by issue basis (i.e. no blanket decision).

32. In light of the delayed process due to the pandemic, there was broad interest in the VWG for considering approaches that would pave the way for an omnibus decision on the path forward for the existing SAICM emerging policy issues and other issues of concern at the postponed ICCM5. The necessary information and background to support that decision would be gathered in the period up to ICCM5.

33. The omnibus resolution would:

a. Recognize the progress on the emerging policy issues and other issues of concern under SAICM to date;
b. Reference the assessment of the SAICM EPIs and other issues of concern in the SAICM Independent Evaluation for 2006-2015;
c. Note the Assessment Report on Issues of Concern made by UNEP following resolution UNEA 4/8;
d. Note that any of the current existing emerging policy issues and other issues of concern that are taken forward continue under the new instrument should follow procedures that are established for 'issues of [international] concern' under the beyond 2020 instrument.

34. To support decision-making at ICCM5 and given the significant delays due to the global pandemic, the co-facilitators recommend that the ICCM5 Bureau consider inviting:

a. the lead agencies of the IOMC, Governments and other relevant stakeholders to report through the secretariat XX months prior to ICCM5 on progress in the implementation of Conference resolutions on emerging policy issues and other issues of concern (as set out in ICCM resolution IV/ 2 paragraph 5).

b. if the intersessional process at its fourth meeting (IP4) agree/support it, the responsible IOMC organizations, in consultation with stakeholders, to propose a draft work plan9 [or a road map] that outlines the immediate priorities and the rationale to continue to address the issue under the new instrument XX months prior to ICCM5, including: (a) an assessment on how they contribute to achieving the Strategic Objective(s) and Targets of the new instrument; and (b) proposing additional indicators as needed for relevant targets.

35. The intention is that this request would serve to provide the necessary information for SAICM stakeholders in the decision-making on the future of the existing emerging policy issue or issue of concern at ICCM5 under the new instrument.

[9] See Annex III. A Group of NGOs has proposed a set of Trigger Criteria to review existing Issues of Concern.

Annex I

Comments submitted on the Definition

Brazil – Comment: We support the efforts to reach a simple and precise language on the definition of an issue of concern. Bearing this in mind, we think the term "generally" is vague enough not to address important issues that need to be considered and properly recognized.

Canada – Alternative proposed definition: "An issue of concern can be any issue within the scope of the beyond 2020 framework that is not being addressed in another forum and for which the beyond 2020 framework is best placed to make progress."

Comment: The definition proposed is the original definition from the Annex to resolution II/4 which was for "emerging policy issues" and so is not transferable to "issues of concern" and could omit appropriate issues for the instrument to consider/address. Given that the submission of information section sets out sufficient descriptions of what kinds of issues should be proposed for consideration, we suggest using something simpler.

EU & MS – Text proposal: Delete significant. Add waste.

Iran – Alternative text: An issue of international concern is an issue identified at any phase in the life cycle of chemicals which may have significant adverse effects on human health and/or the environment and which has not yet been [generally] recognized, arises from the current level of valid/certain scientific certainty.

Japan – Text proposal: An issue of concern is an issue related to chemicals and waste ~~involving any phase in the life cycle of chemicals and~~ which has not yet been generally recognized, is insufficiently addressed by other bodies at the regional or international level and ~~or~~ arises as being of concern that may have significant adverse effects on human health and/or the environment from ~~the current level of~~ the best scientific ~~information~~ knowledge ~~and which may have significant adverse effects on human health and/or the environment .~~

Norway – Text rearrangement: An issue of concern is an issue involving any phase in the life cycle of chemicals which may have significant adverse effects on human health and/or the environment and which has not yet been generally recognized, is insufficiently addressed or arises from the current level of scientific information ~~and which may have significant adverse effects on human health and/or the environment~~.

UK – Text proposal: An issue of concern is an issue involving any phase in the life cycle of chemicals and [waste] which has not yet been generally recognized, is insufficiently addressed or arises as a potential concern…

USA – Text proposal: An issue of concern or interest is an issue involving any phase in the life cycle of chemicals that would benefit from focused attention and collaboration from stakeholders to reach the strategic objectives of the instrument, including Strategic Objective D, and which ~~has not yet been generally recognized, is insufficiently addressed or arises from the current level of scientific information and which may have~~ can be addressed to prevent or reduce significant adverse impacts ~~effects~~ on human health and/or the environment, or can help accelerate investment in and the uptake of innovative and sustainable solutions across the life cycle of chemicals.

Alternative proposed definition: An issue of concern or interest is an issue involving any phase in the life cycle of chemicals that would benefit from focused attention and collaboration from stakeholders to reach the strategic objectives of the instrument, including Strategic Objective D.

ICCA – Text proposal: … and which may have significant adverse effects on human health and/or the environment or issues that may not be of concern but could be areas of focus needed for global benefit (e.g. sustainable chemistry).

IPEN – Comment: The definition is good but can gain in clarity. Common understanding of this term is necessary, through possible footnote as some may argue that and adverse effect is not significant. IPEN in the December submission suggested to use the EU definition in its 2013 report entitled Interpretation of the WSSD

2020 chemicals goal and assessment of EU efforts to meet the WSSD commitment noted that "significant" harm is something more than "detectable" but need not be at the level of "serious" or "substantial".

Comments submitted on nomination of issues

EU & MS – Overall comment on section C. Decisions have to be made according to the precautionary principle and in taking due account of any scientific uncertainties. This should be clarified in the text by making a reference as done in Article 8.9 of the Stockholm Convention.

i. Nomination of issues

Canada – Alternative text 1. To ~~promote~~ensure broad communication ~~about the nomination~~ of issues being nominated: …

Iran – To promote communication about the nomination:

a. nominations should be officially communicated to all [National] Focal Points six months prior to the meeting of the ICCM.
b. regions may wish to add the subject to relevant regional meeting agendas.

Nominations must be submitted at least one year prior to a meeting of the Conference.Japan Alternative text for merger of (i) and (ii) –

i. Nomination of issues
1. The process for nominating issues is open to any stakeholder. The nomination procedure is as follows, and proposals of nominations will be made available on the Strategic Approach website:
a. A proposal of nomination must be submitted to the Secretariat at least [eight] months prior to the subsequent International Conference;
b. The Secretariat will check proposal of nominations for completeness with the aim of assisting proponents in completing their nominations. Proponents will be contacted to provide any missing information;
c. The Secretariat will compile a list of nominations, annotated with a summary of information from the submission. Similar nominations will be clustered so that similar issues can be considered in together, as appropriate and relevant;
d. The Secretariat will communicate submitted proposals of nominations and a list of nominations to all Focal Points at least [six] months prior to the subsequent International Conference. The Secretariat will also make them publicly available and invite stakeholders to provide comments on the proposals of nominations by [four] months prior to the subsequent International Conference. The Secretariat will share the comments with relevant proponents upon its receival. Regions may wish to add the subject to relevant regional meeting agendas;
e. The proponents of an issue may revise their proposals of nominations, taking into account the comments provided and work with other proponents to consolidate their nominations that may be similar or complementary;
f. The Secretariat will consolidate a final list of nominations, annotated with a summary of information, and revised proposals of nominations at least two months prior to the International Conference and make them publicly available.

UK – 2.c. Intention to nominate should be submitted/uploaded to SAICM website for visibility and stakeholders can contact proposers to add support/join efforts if relevant.
3. Nominations must be scrutinised by a time limited expert group which assess the scientific evidence base, the need for global action and provide recommendations to ICCM on priority.
4. Nominations, with a summary of information should be submitted XX months prior to a meeting of the Expert Group by the Secretariat.
5. Recommendation from the Expert Group should be made available 6 months ahead of the Conference.

USA – 2c. Stakeholders may wish to engage others who may be interested in the nominated issues.

Comments submitted on initial review and publication of nominations

Paragraph 4: Three submissions suggested a timeframe be included (Canada, Norway, Switzerland). One submission suggested 4 weeks before, another submissions suggested 6 weeks before.

Canada comments
We suggest that timelines be included to be clear on when these steps are to occur. For example, there should be clear indication of (and noting that the Annex to resolution II/4 has timelines for some of these):

- when the secretariat will make available the initial list of nominations and actual nominations for preliminary review by stakeholders
- when the proponents are to submit revised nominations

Additional areas for further consideration/ development include:

- how the proposals will be considered/prioritized and by who?
- role of the regions and the OEWG (in the Annex to resolution II/4 both regions and OEWG have roles to play)?
- at what point will the full work plan, including targets and indicators, be developed and adopted by the Conference, and when will the work plan be implemented and the work begin?

Iran - Additional paragraph: For practical reason the Conference shall consider a limited number of nominations to be considered at the Conference.

Norway – Paragraph 2. Consider adding a process point to call for comments from stakeholders on the nominations.

UK – 2. The secretariat will compile a list of nominations, annotated with a summary of information from the submission for review by the expert group. ~~Similar nominations will be clustered so that similar issues can be considered in together, as appropriate and relevant.~~ Comments received from stakeholders on the nominations will be made publicly available by the secretariat.

USA – 3. The proponents of an issue will have an opportunity to revise their nomination to take into account comments or to clarify information provided and to work with other proponents in an iterative process to recalibrate and/or consolidate nominations that may be similar or complementary.

ICCA comment – We propose that a recommendation for prioritization of issues of concern, consistent with available resources, be considered at this stage.

Comments submitted on decision-making and adoption

Brazil – 2.a. develop ~~and implement~~ a workplan, considering a list of priority actions and related timelines adopted by the Conference, including …
2.d Brazil comment: We would also consider the idea of creating a pre-recommendation phase, in which stakeholders would have access to the compiled information, before discussing and eventually adopting them in the Conference.

Canada – 2.b coordinate with other relevant bodies, such as the IOMC organizations and others (e.g. ~~the convention secretariats~~ on cross-cutting issues to avoid duplication);
Comments from Canada: If the committees "propose" indicators, then who approves them? This is not specified in the text. There is still a need to agree on who develops targets for IOCs first and where they fit (It hasn't been agreed whether targets for IOCs would be included under SO C or be incorporated by reference and included within work plans directly). Canada has a preference for the latter option, which we believe would allow for targets that are more relevant and effective in assessing progress on specific IOCs.

Japan – 1. Issues should be selected and adopted by a resolution of the Conference. In adopting an issue, the Conference should agree to its lead agency, a list of priority actions and related timelines. ~~….~~

Comment from Japan: (i) Japan thinks that having a custodian (e.g. IOMC organization) is enough to coordinate among relevant stakeholders and activities as we have done so for Emerging Policy Issues in SAICM. A multi-stakeholder committee could be established when deemed necessary. (ii) One of the roles of the lead agency is to "finalize" a proposed workplan, indicators and targets. (iii) Japan also thinks that each issue should have their targets and indicators within each issue rather than having targets for relevant Strategic Objectives in order to evaluate each progress in a simple manner. Targets and Indicators for Strategic Objectives could be the ones to evaluate overall instrument.

Norway – Comment from Norway on 2a: We need to wait for the conclusions from VWG1 on targets and indicators before we draft the text on this point. The current wording represents one of two main paths forward that have been discussed. Our preference would be that the issue-specific targets, goals, milestones and indicators are managed within the workplan of each issue and incorporated by reference under Strategic Objective C. In this way we will avoid the need to re-open the targets and indicators list each time a new Issue of Concern is adopted. 2.c Add – report on.

UK – 1. Issues should be selected and adopted by a resolution of the Conference on recommendation from an Expert group. …
Alternative text 2.d. provide feedback on progress and outcomes to the Conference.

USA – Alternative Text 1.b. call for the establishment of a multi-stakeholder ad hoc body, consistent with the rules of procedure, to guide implementation of efforts to address the issue until the Conference determines that further work on the issue is not needed.

ICCA- 1. comment: include mention of prioritize.
1.b. establish a multi-stakeholder committee (or an ad hoc body) to guide efforts and implementation on the issue until the Conference concludes work on an issue of concern.

IPEN comments –
IPEN is in the view that ICCM should agree on targets and indicators as well, not only on priorities actions.
IPEN believes that the multistakeholder subcommittee to be established should be an ad-hoc subcommittee to indicate that it is a time limited and purpose focus subcommittee.
IPEN wonders what would be the criteria for it? IPEN suggests "Establish a multi-stakeholder women and chemical safety working group to develop recommendations for actions on women and chemical safety that are included in workplans guiding SAICM emerging policy issues and issues of concern." (see report: Women, Chemicals and the SDGs).
IPEN believes that too much power is assigned to a small number of stakeholders that should be much more limited.
IPEN Suggested revision: develop and implement a workplan, based on the priority actions, targets and indicators agreed to by the Conference. This should be done with support of the secretariat.
If these working groups are agreed to, they shoud not make recommendations but report to the ICCM and the OEWG (assuming it will continue). Recommendations to ICCM should not be made by a small group of stakeholders with limited participation. Recommendations should only be made by the OEWG.

Comments submitted on workplans

EU & MS – Overall section D Comment: The overarching role of the Conference in overseeing and guiding the work on issues of concern needs further discussion and reflection in the text. It was also noted that the text also lacks reflection on implementation to be achieved through commitments on actions by stakeholders.

i. Workplans

Canada – 1. Implementation of actions to address issues is guided by a work plan with clear targets, indicators, and timelines ~~and milestones~~; Comment: To be confirmed based on decision on process to develop targets for IOCs, and who does it?
Comment: Will the work plans be endorsed by the Conference, and if so, when? Will the work plans be broadly consulted on prior to finalization, in order to have some added reassurance that work plans will be reviewed

beyond just the committees developing them? If so, then perhaps a consultative step should be added to the committees' tasks.

Iran – 1. Implementation of actions to address issues is guided by a work plan with clear timelines and milestones, responsible stakeholder and cost associated with the implementation;
2. Stakeholders [in a position to do so] are encouraged to take the necessary actions and/or provide [required] funding, technical and technological assistance towards the implementation of the workplan.
Any effective workplan should be developed in a comprehensive and realistic manner and include enabling and deliverable requirements. Establishing an international efficient and collaborative framework is highly essential in realization of goals and objectives of an international issues of concern.
It is also worth to be mentioned that a well-developed workplan should go beyond addressing timelines, millstone and monitoring process, it should also address the cost needed to implement the actions.
Also, it is needed that the committee to consider challenges, restrictions and gaps and make recommendation on the necessary financial resources and capacities to address them.

Japan – 1. Implementation of actions to address the issue of concerns is guided by a work plan with clear targets, indicators, ~~timelines~~ and milestones;
2. All stakeholders ~~[in a position to do so]~~ are encouraged to take the necessary actions and/or provide ~~[required]~~ funding and necessary assistance towards the implementation of the workplan.

UK – 1. Implementation of actions to address issues is guided by a work plan with clear timelines and milestones and an end date;

USA – ALT formulation 2. The secretariat, in consultation with the multi-stakeholder ad hoc body, should invite all relevant stakeholders to implement the workplan.

Comments submitted on tracking progress

Canada – Comments: what is the difference between a and b.
Regarding the process for evaluating progress, reporting/evaluation of progress for IoCs should be part of the reporting/evaluation of the overall progress of the framework (achievements towards vision, targets and indicators).

Japan – 1. The lead agency ~~multi-stakeholder committees~~, with support of the secretariat, will oversee monitoring and reporting back from stakeholders identified in the workplan, and guide progress towards implementation of the workplan, through:
a) reports to meetings of the relevant body, ~~and~~ at regular intervals…

Norway –
a) reports to meetings of the Conference ~~relevant body, and at regular intervals as identified in the proposed workplan prepared in accordance with section (i), above~~;
b) periodic reviews within intersessional periods as outlined in the workplan, and/or as requested by the Bureau~~; reporting on progress as outlined in the proposed workplan~~.

UK – The Programme Boards ~~multi-stakeholder committees,~~…

USA – Alternative formulation: 1. The multi-stakeholder ad hoc bodies, with support of the secretariat, will guide progress towards implementation of the workplan. The secretariat, in consultation with the multi-stakeholder ad hoc body, will coordinate monitioring and reporting as described in Section VI. G of the instrument.

ICCA - The multi-stakeholder committees (or ad hoc bodies)…

Comments submitted on determining the need for further work on an issue

Canada – 1. The Conference may decide to conclude work on a particular issue undertaken under its framework. This decision shall however not impact ongoing work performed on this issue in other fora.
2. Determining the need for further work under the framework of the Conference on an issue…

Japan – 2. Determining the need for further work on an issue will be based on a full explanation of the rationale on a way forward, provided by the lead agency ~~secretariat~~, in consultation with the secretariat ~~multistakeholder committees~~, to the Conference following the progress evaluation of the activities carried out in accordance with the workplan.

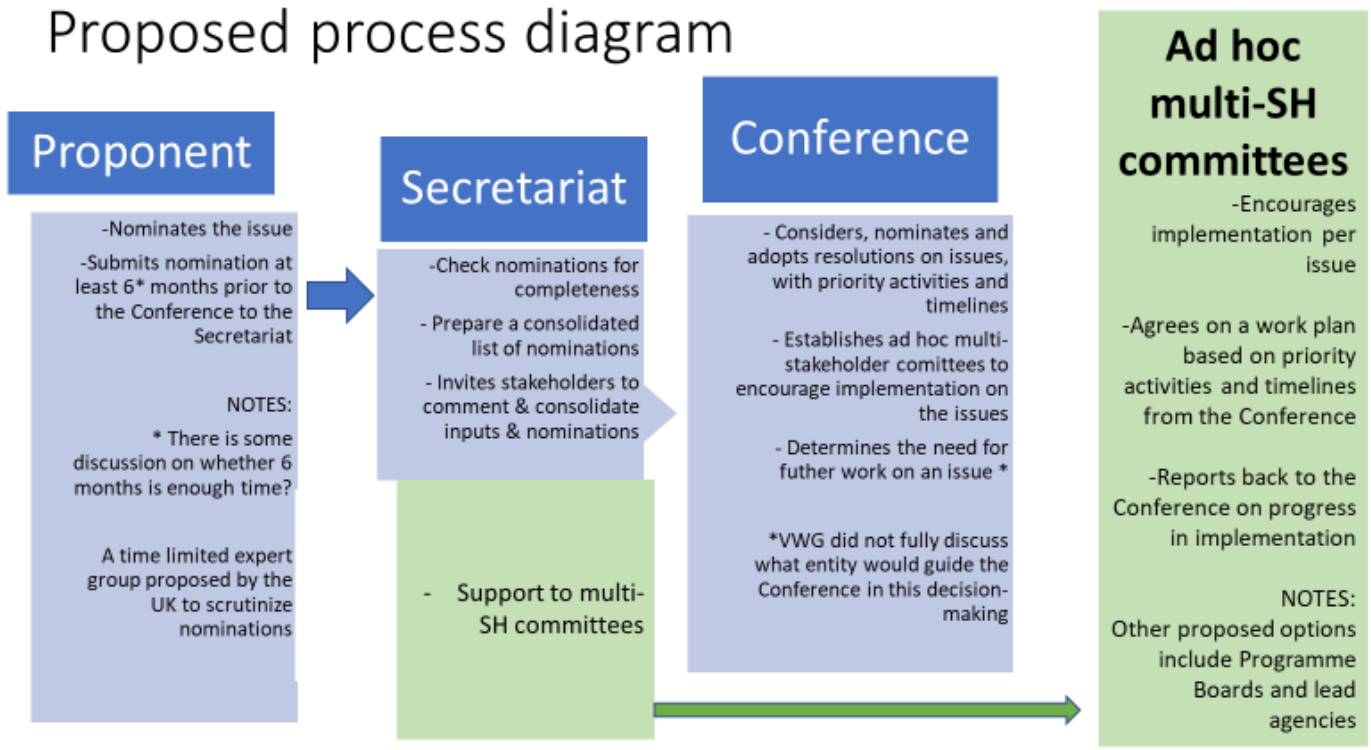
Norway – 2. Determining the need for further work on an issue will be based on a full assessment and explanation of the rationale on a way forward. The evaluation will be provided by the multi-stakeholder committee, in consultation with the secretariat, ~~in consultation with the multi-stakeholder committees,~~ to the Conference following the progress evaluation of the issue. ~~activities carried out in accordance with the workplan.~~

UK – 1. The Conference should conclude issues according to the progress made and milestones in the work plan and final outcome. ~~may decide to conclude work on a particular issue.~~
2. Determining the need for further work on an issue will be based on a full explanation of the rationale on a way forward, provided by the secretariat, in consultation with the Programme Boards ~~multi-stakeholder committees~~,..

USA – 2. Determining the need for further work on an issue will be based on a full explanation of the rationale on a way forward, provided by the secretariat, in consultation with the multi-stakeholder ad hoc bodies committees, to the Conference following the progress evaluation of the activities carried out in accordance with the workplan activities and indicators.

IPEN – Requests clarity on the word ‘conclude’, noting it is ambiguous.

ANNEX II


Proposed process diagram
Proponent
-Nominates the issue
-Submits nomination at least 6* months prior to the Conference to the Secretariat
NOTES:
* There is some discussion on whether 6 months is enough time?
A time limited expert group proposed by the UK to scrutinize nominations
Secretariat
-Check nominations for completeness
- Prepare a consolidated list of nominations
- Invites stakeholders to comment & consolidate inputs & nominations
- Support to multi-SH committees
Conference
- Considers, nominates and adopts resolutions on issues, with priority activities and timelines
- Establishes ad hoc multi-stakeholder comittees to encourage implementation on the issues
- Determines the need for futher work on an issue *
*VWG did not fully discuss what entity would guide the Conference in this decision-making
Ad hoc multi-SH committees
-Encourages implementation per issue
-Agrees on a work plan based on priority activities and timelines from the Conference
-Reports back to the Conference on progress in implementation
NOTES:
Other proposed options include Programme Boards and lead agencies

Annex III

Proposal for Trigger Criteria from a group* of NGOs:

*List of the group: Health and Environment Justice Support (HEJSupport); Swedish Society for Nature Conservation (SSNC); Pesticide Action Network (PAN International); groundWork South Africa; Women Engage for a Common Future (WECF); Armenian Women for Health and Healthy Environment (AWHHE); Toxisphera, Brazil; Commonweal; BUND/Friends of the Earth, Germany; German NGO Forum on Environment and Development; Chemical Safety Agency, Ukraine

It is important that the modalities for reviewing of existing IoCs, and how the ICCM can/should respond in relation to reviews, need to be clearly established in the text of the successor to SAICM. As it is proposed in our NGO submission, our proposal for the trigger criteria for elevating obligations when the voluntary work is insufficient should be considered here as well. "Trigger criteria", in contrast to evaluation of a long-term workplan for an IoC are designed to identify and address IoCs, or key aspects of them, that need urgent action with increased ambition level. Such evaluations do not follow the periodic review of workplans, rather can be done on a needs basis. These are two evaluation criteria with different functions, and thus we need both sets of evaluation procedures.

The following text was proposed in our submission of November 6, 2020, and we request that it be retained in brackets:

Annex B IV, D. 1.

a. Determining the need for further work on an issue will be based on the results of a progress evaluation. In considering whether further work requiring elevated obligations for stakeholders is necessary, the conditions and triggers described under b shall be used.

b. Elevated action on an Issue of Concern is justified by a) meeting one of the triggers below, and b) if the IoC at the same time contributes to key strategies for the fulfillment of at least one SDG target in one UN region:

(i) Failure to reduce acute poisoning and/or chronic effects by chemicals that are IoCs.
(ii) Failure to reduce the levels of chemicals that are IoCs in human and environmental samples.
(iii) Failure to reduce the volume of the production, use and disposal of substances of very high concern relevant to an IoC.
(iv) Insufficient monitoring of human and environmental impacts by an IoC.
(v) Significant costs for society in the absence of action to address an IoC, including healthcare costs for individuals and the state; loss of IQ and productivity; loss of pollinators, natural biological control of pests, and other ecosystem services; loss of biodiversity; and costs of chemical contamination of natural resources, such as air, soil and water including but not limited to large-scale environmental clean-up and remediation costs.
(vi) National regulations have failed to achieve sufficient improvement in the IoC. SAICM/IP.4/2.
(vii) Regional regulations for addressing an IoC are in place, or under development.
(viii) Failure to establish an effective, transparent multi-stakeholder working platform on an IoC.
(ix) Failure to make available the information necessary for addressing an IoC.
(x) Failure to reduce the level of disposal and contamination of waste of relevance to an IoC.

For further and more detailed information about the proposed “trigger criteria”, please see: https://hej-support.org/event-how-to-progress-saicm-issues-of-concern-beyond-2020/