5th Virtual Meeting
Virtual Working Group on Governance and Mechanisms to Support Implementation
Thursday, 17 December 2020 from 13:00 – 16:00 CET

AGENDA

- Welcoming Remarks by co-facilitators (10 minutes)

- Discussion of views presented: (E) Subsidiary and Ad Hoc Expert Bodies (1 hour)

To be well prepared and best able to follow the discussion, please see annotated notes below and additional materials in the Annex to this agenda.1

For Section E, the 15 submissions highlighted some common areas of significant relevance or importance to most stakeholders, as well as some areas where it is clear that further discussion is needed prior to any proposals by the co-facilitators to make progress. Therefore, the December 17 discussion on this section will focus on the broader points raised by the submissions received through electronic input in order to determine whether there are elements Section E needs to address or further elaborate on and, if so, what those elements are. These discussion points are listed below as (a)-(i).

In order to ensure adequate preparation to engage productively in the discussion, stakeholders are to carefully review the points below, in addition to considering and familiarizing themselves with the information included as an Annex at the end of this agenda on Section E.

Discussion points

1. The sufficiency of V. Institutional Arrangements, Section A, paragraph 1, subparagraph (ix) of the compilation text to provide the international conference with the ability to establish subsidiary bodies when it decides they are necessary, in accordance with the rules of procedure (RoP). There is general agreement2 within the submissions that the international conference is the correct body to establish such bodies.

2. The sufficiency of Rule 23 of the existing RoP to provide the arrangements for any subsidiary bodies, noting that the RoPs have not yet been reviewed for the Beyond 2020

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1 Based on views submitted via electronic input by 30 November 2020, in accordance with the agreed schedule.
2 One submission suggested that there may be a need to consider whether this responsibility can be delegated to the OEWG for purposes of timing.
instrument. There is general agreement on the need for subsidiary bodies, or at least one subsidiary body (see below on the OEWG).

3. The sufficiency of Rule 3 (paragraph 1 only) of the RoP regarding participation in any subsidiary bodies. There were a number of suggestions in the submissions for language in Section E related to participation, as well as the suggestion that Rule 3 is already comprehensive and covers the spectrum of all stakeholders.

4. There is general agreement that the OEWG should continue. The VWG will discuss possible mechanisms to execute this general agreement, taking into account Resolution II/6 on the establishment of an Open-Ended Working Group and the suggestion to consider establishing the OEWG as a subsidiary body within V. Institutional Arrangements, Section A.

5. Taking into account the discussion on (a)-(d) above, overall views of what the function of Section E should be, if any (a number of submissions proposed the deletion of Section E).

6. If not already addressed in the context of (a)-(e), discussion of “ad hoc bodies” versus “subsidiary bodies”.

7. There was a lot of agreement that the role of science and/or science policy needs further consideration and elaboration. The VWG will discuss whether Section E may be a possible place for such consideration and elaboration. A number of comments also highlighted the importance of the “science” role being impartial/free from conflicts of interest.

8. Based on the outcome of the discussion on what the function of Section E should be, further discussion may be needed on such functions. Although the VWG is unlikely to have time to discuss on December 17, the co-facilitators have taken note of the submissions that have also provided views on overall directions for subsidiary bodies, such as objectives/topics that should be addressed (scope/mandates), process points (need for workplans), etc. to guide any later discussion. Stakeholders are kindly requested to not repeat the content of the electronic submissions unless further elaboration of your views is necessary.

9. There were a number of suggestions for revisions or additions to paragraph 2, points a-e, of the compilation text. It is unlikely that the VWG will have time to review the details/specific edits to existing points a-e or the language of new proposals at this meeting; however, stakeholders are requested to be prepared to present broadly, in less than three minutes, their overall views on:
   - which of the existing points may not be needed,
   - which of the existing points need to be revised and why, and
   - new or additional ideas.
In accordance with the agreement at the November 19 VWG meeting, presentation of the outcome of the additional opportunity for electronic input from December 1-11 on the co-facilitators’ proposals for the remaining sections of Section D, as agreed to and revised on the schedule for this VWG. (35 minutes)

Explanation by the Government of Japan on its suggested approach to Sections G and H, as planned for in December 3 meeting (10 minutes)

Complete the discussion of the co-facilitators’ proposal for Section G from December 3, 2020. Taking into account the context provided by the co-facilitators in their their proposal posted on the website in advance of the December 3 meeting, stakeholders should be prepared to consider, in the following order, paragraphs 3, 5, 5bis, 7, 8, 6, 12(a), 12(c), 13, 14, and 3bis in the level of detail presented in the proposal. (1 hour)

Closing remarks (5 minutes)

Annex: Materials for Preparation for Section E Discussion

In order to ensure that all participants are prepared, provided below for the convenience of the VWG are the materials for stakeholders to be familiar with in advance of the meeting to ensure a focused discussion based on the respective submissions.

V. Institutional Arrangements, Section A, paragraph 1, subparagraph (ix)

(ix) To establish subsidiary bodies as it finds necessary in accordance with the rules of procedure.

Rule 23 of the Rules of Procedure

IX. Subsidiary bodies

1. The governmental participants may, after consulting the intergovernmental participants and non-governmental participants:

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3 Issues already discussed at the December 3 meeting will not be revisited at this time.
a. Establish subsidiary bodies to carry out such objectives as may be agreed upon at a session of the Conference;

b. Determine the matters to be considered by a subsidiary body; and

c. Establish its terms of reference.

2. Unless the Conference decides otherwise, the present rules of procedure shall apply mutatis mutandis to the proceedings of any subsidiary body, except that:

a. The Bureau of a subsidiary body shall not exceed five in number;

b. The chair of a subsidiary body shall be appointed by the governmental participants from among governmental participants after consultation with the intergovernmental participants and non-governmental participants;

c. Any vice-chair and rapporteur of a subsidiary body shall be appointed by the governmental participants from among governmental participants represented in the subsidiary body after consultation with the intergovernmental participants and non-governmental participants represented in the body; and

d. A subsidiary body may opt for a chair or co-chair arrangement in lieu of a Bureau.

3. The Conference shall keep under review the composition, effectiveness and need for its subsidiary bodies, as part of the periodic reviews of the Strategic Approach, in accordance with paragraph 24 of the Overarching Policy Strategy.

**Rule 3, Paragraph 1**

Participation

1. Subject to paragraph 2, all participants shall be entitled to take part, in accordance with these rules, in sessions of the Conference and any subsidiary body established in accordance with rule 23.

**Resolution II/6**

Establishment of an open-ended working group

The Conference,

Recognizing the need to ensure the comprehensive and effective preparation of the sessions of the International Conference on Chemicals Management,

1. Establishes an open-ended working group as a subsidiary body subject to confirmation at the third session of the Conference;

2. Decides that the Open-ended Working Group shall consider the implementation, development and enhancement of the Strategic Approach to International Chemicals Management, including by:

a. Reviewing and prioritizing proposals for emerging policy issues in preparation of the next session of the Conference;
b. Continuing discussion on work on emerging policy issues;

c. Considering proposals for the inclusion of new activities in the Global Plan of Action;

d. Considering initiatives that are being undertaken and addressing progress and gaps in achieving the goal that, by 2020, chemicals are used and produced in ways that lead to the minimization of significant adverse effects on human health and the environment;

e. Considering the outcomes of regional meetings;

f. Identifying priority issues for consideration for inclusion in the agendas of the sessions of the Conference;

g. Undertaking such other activities as the Conference may direct;

3. Also decides that the Open-ended Working Group may prepare draft decisions or resolutions for possible adoption by the Conference;

4. Further decides that the Open-ended Working Group shall meet once, in the year prior to the sessions of the Conference, if possible back to back with other related meetings;

5. Reaffirms the importance of full and effective participation by developing countries and countries with economies in transition in the Open-ended Working Group and urges those in a position to do so to make contributions to defray the travel costs of eligible participants;

6. Decides that the Bureau of the Conference shall serve as the Bureau of the Open-ended Working Group.