EU+MS feedback
on the 3rd request by SAICM IP VWG3 co-facilitators

The EU+MS thank again the co-facilitators for their excellent work as well as for the opportunity to provide written feedback on their proposals for the future modalities for issues of concern and for the dealing with current emerging policy issues and other issues of concern.

We support the co-facilitators’ proposals from 11 January 2021 and from the VWG on 18 January, in general. It provides significant improvements on the way forward to ICCM5. However, further thinking through, and discussion of the texts in detail is necessary. This seemed to be common understanding of stakeholders in the VWG meeting on 18 January 2021. This given and as it is obvious that this discussion cannot be finalized before the mandate of VWG3 ends, EU+MS want to highlight some issues that need further consideration. It should be noted that this is not a complete list and that further comments for modifying the texts will follow once the discussion continues.

Title
The EU+MS support the title proposed and do not see a need for modifications. If the bracketed term international will be kept, it might be necessary to clarify that it does not exclude the addressing of issues relevant only in specific regions.

Furthermore, a too positive language and the highlighting of benefits from chemicals, innovations or issues of interest, in the title as well as in the text of the modalities should be avoided. This is crucial in order to not jeopardizing political awareness raising as one of the core functions of the issue of concern element. In addition, those positive aspects of chemicals have been addressed yet in other parts of the text, in the Targets, for example, and duplication has to be avoided. Finally, it is readily possible and necessary to address these wanted effects as part of the action that has to be taken when working on an issue of concern. For example, innovation often will be necessary to manage and overcome an issue of concern and hence, should be addressed in the related workplan.

Definition
We support the return to the current definition in the Annex to ICCM resolution II/4 while significant should be deleted and waste should be added to not lowering the ambition of SDG 12.4 and to avoid any gaps. This is necessary also, in order to fulfill the mandate of the intersessional process and for ICCM5. Deleting significant does not neglect that certain issues of concern and action might need to be prioritized, but this should be done on a case-by-case basis when deciding upon an issue of concern and the workplan therefore, rather than in general by a narrowing definition.

Decision-making and adoption
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.
Additionally, the establishment of *multi-stakeholder committees* needs further discussion. This applies to its setup, appropriate participation, its tasks and the practical implications regarding the resources needed therefore.

**Mechanisms for implementation**

In section D of the co-facilitators proposal, the overarching *role of the Conference* in overseeing and guiding the work on issues of concern need further discussion and reflection in the text, apart from the *multi-stakeholder committees* mentioned above and of other *relevant bodies*. The text also lack reflection on implementation to be achieved through commitments on actions by stakeholders.

**Dealing with existing EPIs and other issues of concern**

The proposal presented in the VWG meeting on 18 January 2021 is welcome and supported, in principle. However, a clarification would be useful how para v and vi relate to each other, and what will be needed to enable ICCM6 to decide upon whether or not continue an existing EPI or other issue of concern. As the situation of further work on the existing EPIs and other IoCs varies, the request in para v would merit from including “*where appropriate*”, for example. Thereby, it would be made clear too, that a rationale is expected, explaining the recommendations for the future treatment of an issue.