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Input from EU/MS to co-chairs work on Issues of concern that warrant global action

In the discussions on the sound management of chemicals and waste beyond 2020, one of the considered objectives is Objective C. *Issues of concern that warrant global action are identified, prioritized and addressed.* This Objective is fully supported by the EU/MS.

At the OEWG3 it was decided that the co-chairs of the intersessional process undertake further work on the following for input to the intersessional process and the meeting in Bangkok:

- i. Other mechanisms to support implementation.
- ii. Additional measures to achieve multisectoral engagement.
- iii. Issues of concern.
- iv. Based on input of stakeholders review the 'Principles and Approaches' set out in document (SAICM/OEWG3.3/4).

This paper aims to provide input to the co-chairs work on *Issues of concern* from EU/MS.

The paper firstly considers possible EU/MS input for Objective C and the related Targets suggested in the Co-chairs paper as well as suggestions for new or amended targets. The text that is directly copied from the Co-chairs paper (OEWG3/4) is in *italic*.

Secondly it suggests how a structure to address issues of concern could be set up within the new Beyond 2020 framework. The basis for a possible structure could be the annex of ICCM resolution II/4 and make use of the result from UNEP assessment of options for strengthening the science-policy interface at the international level for the sound management of chemicals and waste. (UNEA resolution 4/8). The criteria and procedures laid down there should be further developed. The EU+MS believe that the most accurate wording for the new future process would be "issues of concern that warrant global action" which would capture the exiting terms of emerging policy issues and issues of concern. EU+MS are striving for adoption of an updated process including criteria and procedures by ICCM5.

EU/MS are of the view that issues of concern that warrant global action should include managing specific chemicals, groups of chemicals, mixtures, materials and products, irrespective of their stage in the life cycle (from design to waste) and issues that are not directly related to a specific substance for example plastics as well as the burden of disease. Issues of concern should also include aspects such as resource efficiency and circular economy.

In the future framework at appropriate places the shortcomings such as mainstreaming and of challenging global trends should be addressed. This may support to raise the awareness by other sectors and hence, could be another piece in the puzzle of enhancing cross-sectoral multi-stakeholder collaboration including with climate and biodiversity.

EU/MS considers that the process of nominating Issues of Concern, should maintain and strengthen the multi-sectorial character of SAICM including nominations from academia.

The identification of issues of concern and appropriate measures to address them requires the strengthening of the engagement of scientists and the use of science for policy by ICCM and stakeholders.

Comments to suggested targets for Objective C, Appendix of Co-chairs paper

The targets should as far as possible be specific, measurable, accepted, realistic, time-bound (smart) and it should be possible to follow them up. In total they should not be more than 20-25 targets for all objectives and they should be linked to indicators and to reporting. Provided that the previous criteria are fulfilled, the targets should be short and concise and comprehensible and not include activities on how to achieve them.

Target C.1: *Programmes of work including timelines and follow-up are established, adopted and implemented for identified issues of concern.*

EU/MS support the intention of this target. However EU/MS believe that it requires some amendments. Programmes of work need to include time-bound action and voluntary commitments to be made by countries, international governmental organizations and all other SAICM stakeholders.

Target C.2: *Information on the properties and risk management of chemicals across the supply chain and the chemical contents of products is available to all to enable informed decisions.*

EU/MS consider that this is a target that should be placed under Objective B, as it reflects the need of improved data generation and knowledge sharing.

Proposal: Move this target C.2. to Objective B.

EU/MS proposals for targets for Issues of concern that warrant global action

C2 alt. By 20XX, hazardous substances, mixtures or groups of substances identified to be issues of concern that warrant global action, have been phased out, or are used in ways that prevent or minimize negative impacts on human health, and the environment to an unavoidable minimum throughout the life cycle.

C3. By 2030, highly hazardous pesticides (as identified through the FAO code of conduct) are no longer in use, or are used in ways that prevent or minimise exposure of humans, and the environment including non-targeted animals and plants throughout their life cycle.

Arguments for these EU/MS suggested targets:

C2 alt. The notion of phasing out hazardous substances (or mixtures or substance groups) is a key element for sound management of chemicals and waste and should therefore be part of the targets. Since phase-out or restriction could be more difficult when related to issues of global concern, the terms substances or mixtures are used in the suggested C2 alt and not “issues”.

C3. Highly hazardous pesticides should be a priority to prevent harm from chemicals and is central in contributing to the SDG 3.9 (“by 2030 substantially reduce the number of deaths and illnesses from hazardous chemicals...”). Data and baseline on the burden of disease in relation to chemicals is available from the WHO. The use of highly hazardous pesticides should be limited to circumstances where it is absolutely necessary. Every use shall prevent or at least minimize all unintended negative impacts on human health, and environment including non-targeted animals and plants as far as possible.

The “issues of concern” should also function in a forward-looking manner. So far, SAICM, including the stakeholders and sectors involved generally reacted after becoming aware of damages for health and environment. This will be no longer sufficient if the SDGs are taken seriously. Instead, the SAICM community shall act forward-looking in particular because it currently is the only international platform to do so with regard to chemicals and waste.

EU/MS input to a possible structure to address issues of concern” with the aim to achieve Objective C and its related targets

The GCOII notes a global framework to stimulate collaborative action for the sound management of chemicals and waste would need to create mechanisms and incentives to foster commitment, engagement and collaborative action of key actor groups. The EU+MS therefore believes that the Beyond 2020 framework should include a possibility to address issues of concern that warrant global action. While remaining voluntary, it should include a process where governments and stakeholders could commit to actions to achieve the targets agreed by ICCM.

A process building on the annex of ICCM resolution II/4 to manage issues of concern that warrant global action should be part of the governance structure of the beyond 2020 framework. There is a need that such process consists of internationally defined criteria for issues of concern that warrant global action and a process for identification of such issues.

The process including the criteria and the procedure for identification of the issues of concern should be developed in the intersessional process and be part of the recommendations to ICCM5. ICCM5 should then consider and decide on the process.

Examples of criteria that could be used are among others mentioned in the GCO II. The GCO II identified certain “issues where emerging evidence indicates a risk”, based on the criteria “identification of recent assessments and regulatory risk management actions taken by public bodies”. Regulatory action is one criteria among others for issues of global concern that could be considered. However, there may be issues of global concern where regulatory action has not yet taken place. Another possible criterion that could be considered for the issues of concern is the potential global transboundary dispersion of hazardous substances in products and articles, the magnitude and geographical coverage are also of relevance.

Based on the developed criteria stakeholders can nominate issues of concern that warrant global action for decision by ICCM (i.e similar as currently under SAICM according to the annex of ICCM resolution II/4.)

As considered useful, ICCM should take into account and can request scientific input when appropriate regarding selection, prioritization and management of issues of concern. Such input would then have a defined task to review certain issues/substances and prepare recommendations for actions to be considered by the ICCM. Cost implications of any scientific input would need to be kept manageable.

The recommended process to address issues of concern, should also include developing programme of work with timelines and commitments with specified actions from countries and stakeholders. Such approach is already contained in SAICM and should be maintained and further refined. With such a process countries and stakeholders could make specific commitments on defined measures to address issues of concern at an appropriate level.

The voluntary nature of SAICM makes it possible to agree on actions that should be taken related to a certain issue, without necessarily defining the exact level of actions that fits all countries. The set-up should be such so that it is possible to measure the progress made also when using commitments, without refraining from useful but hardly measurable activities, e.g. awareness raising and education.

1. Issues of concern are **nominated by Countries and Stakeholders** through the Secretariat.
2. Nominated issues of concern (including substances or mixtures) are **reviewed against the criteria** by the ICCM, with available science-policy input, as appropriate.
3. Recommendations for actions and a timeline for evaluating progress are considered by the ICCM.
4. **Countries and Stakeholders make commitments to actions** based on an action plan adopted by ICCM
5. A **regular review and update of the Criteria** for identification of issues of concern that warrant global action with scientific input on request takes place as appropriate,
6. The **progress made on issues of concern is reviewed**, taking into account commitments assumed and actions carried out, and if appropriate recommendations for amendments are prepared to be considered by the ICCM.

A prerequisite for the above structure in the future framework is that the points below are developed within in the intersessional process;

A Criteria for identification of issues of concern that warrant global action are collected and further developed and adopted by ICCM5 with scientific input as requested.

B A review of existing emerging policy issues and issues of concern against adopted criteria is done by ICCM5. In case there is agreement to keep these issues of concern on the agenda, a time-bound plan of action is adopted, stakeholder commitments to contribute are carried together, and the follow-up is stipulated.

C. A procedure for commitments including developing time-bound action plans, encouraging and collecting stakeholders to contribute, and the set-up of follow-ups is established by the ICCM5.

Annex to resolution II/4 Modalities for considering emerging policy issues

Introduction

The process for the consideration of emerging policy issues by the International Conference on Chemicals Management will be open and transparent. It will be facilitated by the secretariat and provide for the participation of all stakeholders.

A. Call for nominations

1. Given that the nature of emerging policy issues will vary according to the perspectives and needs of different stakeholders, the process for nominating emerging policy issues should be an open one in which any Strategic Approach stakeholder is free to participate. The nomination procedure will be published on the Strategic Approach website. To promote communication at the national level, nominations should be copied to Strategic Approach focal points. Regions may also wish to add the subject to their meeting agendas. Because emerging policy issues will arise and evolve over time, nominations will be allowed at any point but will only be formally invited from stakeholders once during the period leading up to each session of the Conference. This periodic call for the nomination of issues will serve to encourage the systematic monitoring, review and regular discussion of emerging policy issues among Strategic Approach stakeholders. To allow for sufficient time for subsequent steps in the procedure, nominations will need to be submitted 18 months in advance of the session of the Conference at which they will be considered.

B. Submission of initial information

2. In nominating an emerging policy issue for consideration by the Conference, a proponent will be required to complete a questionnaire that includes the criteria listed below in subparagraph (b). The information to be submitted to the secretariat should include:

(a) Information demonstrating why a given issue is considered to be an emerging policy issue, in particular how it is consistent with the definition of an emerging policy issue, i.e., 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;

(b) Information demonstrating how the issue meets the following criteria:

- (i) Magnitude of the problem and its impact on human health or the environment, taking into account vulnerable subpopulations and any toxicological and exposure data gaps;
- (ii) Extent to which the issue is being addressed by other bodies, particularly at the international level, and how it is related to, complements, or does not duplicate such work;
- (iii) Existing knowledge and perceived gaps in understanding about the issue;
- (iv) Extent to which the issue is of a cross-cutting nature;
- (v) Information on the anticipated deliverables from action on the issue.

3. Proponents are encouraged to include a description of proposed actions to be considered in moving forward on emerging policy issues, including a rationale for how proposed actions would address the emerging policy issues identified. Proponents are encouraged to consider a wide range of options for action, which would include identification of any tools, institutions and other mechanisms and expected resources that could support the proposed action, as described in paragraph 4 below.

4. Actions that proponents might want to consider may include:

(a) Dissemination of information through the secretariat's clearing-house function or other mechanisms;

(b) Recommendations from the Conference, which could include requests for action addressed to the governing bodies of intergovernmental organizations, Governments, scientific bodies, civil society stakeholders and the private sector;

(c) Initiation of follow-up work under the auspices of the Conference, including through intersessional work at regional meetings, workshops, training sessions, internet-based consultations, teleconferences, work by subsidiary bodies, the secretariat or other mechanisms;

(d) Specific commitments by Governments, civil society, intergovernmental organizations and the private sector, such as intersessional work or partnerships;

(e) Relevance, as appropriate, to the Global Plan of Action and the Overarching Policy Strategy of the Strategic Approach or other mechanisms for providing capacity-building to proponents.

C. Initial review and publication of submissions

5. The secretariat will check nominations for new emerging policy issues against the agreed definition and criteria with the aim of assisting proponents in completing their nominations and sorting the nominations for future prioritization. Proponents will be contacted to provide any missing information.

6. The secretariat will compile a list of nominations, annotated with a summary of information on each of the criteria. Similar nominations will be clustered so that similar issues can be considered in thematic groups. The list of nominations and the nominations themselves will be made publicly available and an invitation to provide comments will be issued 15 months prior to the session of the Conference at which they will be considered. Comments received by the secretariat will be made publicly available.

7. 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 are similar or complementary. Revised nominations must be submitted to the secretariat 12 months in advance of the session of the Conference at which they are to be considered.

8. The secretariat will consolidate a final list of nominations, annotated with a summary of information on each of the criteria.

D. Prioritization of submissions

9. After publication of the nomination list, the regions may prioritize submissions by engaging formally the full range of their stakeholders. In doing so, they are encouraged to consider the criteria in paragraph 2 (b), above, and to communicate the priorities to the secretariat. Such consultations will be pursued through regional focal points and with national focal points, including non-government participants, at regional meetings or through other mechanisms.

10. The secretariat will compile input received from the regional consultations and input from other stakeholders on the prioritization of submissions.

E. Inclusion of emerging policy issues on the provisional agenda of the Conference

11. The Open-ended Working Group will consider the regional inputs and other information to assess the proposals, taking into account the criteria outlined in paragraph 2 (b) above. It should propose a limited number of priority emerging policy issues to the Conference for its consideration. Those issues will be submitted for inclusion on the provisional agenda of the next session of the Conference in accordance with the rules of procedure of the Conference.

12. In the event that an issue is nominated but not included on the provisional agenda for a session of the Conference, its proponent may seek other ways to focus attention on it. This might include:

- (a) Disseminating information about the issue through the secretariat's clearing-house function;
- (b) Including the issue as a topic for workshop agendas or internet-based consultations;
- (c) Encouraging regional groups to include the issue on the agenda of regional meetings;
- (d) Forwarding the submission to other forums or individual stakeholders with relevant mandates for their consideration;
- (e) Highlighting the issue as a possible priority for Strategic Approach participants;
- (f) Making Strategic Approach participants aware of any funding associated with the proposal that may be available for intersessional work, bilateral projects or other opportunities.
