

Nineteenth meeting and Eleventh teleconference of the Bureau of the International Conference on Chemicals Management for its fifth session
Tuesday 15 February 2022, from 14:00 – 16:30 CET

REPORT OF THE NINETEENTH MEETING OF THE ICCM5 BUREAU

1) Opening and welcome

The President of the Fifth session of the International Conference on Chemicals Management (ICCM5) Ms. Anita Breyer welcomed all participants to the nineteenth meeting and eleventh teleconference of the ICCM5 Bureau. She wished the Bureau members a happy new year since this was the first meeting of the Bureau in 2022 and she hoped for a happy and healthy year ahead. She welcomed the new Regional focal point for GRULAC, Mr. Francisco Barbieri who replaced Ms. María del Pilar Angela Teves Libarona and invited Mr. Barbieri to provide a few introductory remarks. Ms. Breyer noted that the Programme of Work and Budget 2022 – 2023 was adopted via silent procedure on 7 December 2021, which demonstrates a firm commitment to the journey ahead of us as we collectively prepare for IP4 and ICCM5 as well as continue implementing the current SAICM objectives. She also highlighted that the primary focus of the teleconference is to discuss on the proposed SAICM Roadmap in the lead-up to IP4 and ICCM5.

The ICCM5 President Ms. Breyer gave the floor to the SAICM Secretariat to provide a report on activities that have been implemented since the last Bureau meeting. Ms. Sharma reported that the SAICM Secretariat has continued the successful implementation of the SAICM GEF project on Global Best Practices on Emerging Chemical Policy Issues of Concern under SAICM. As the project enters its fourth year of implementation, there are significant achievements to celebrate, including: (i) 16 countries that have passed lead paint legislation; (ii) 21 paint producers in seven countries have been supported to phase out the use of lead in paint; (iii) six guidance documents and tools developed to support the safe management of chemicals of concern in electronics, toys and building products and; (iv) a Knowledge Platform to provide a space for the dissemination of knowledge and resources on chemicals and waste. These achievements were confirmed through the project Mid-Term Review, which rated the project as Highly Satisfactory – a rare rating for such a complex full-size project as indicated by the Evaluator. The Project Steering Committee recently approved an extension of the project through to ICCM5 to further disseminate the guidance, tools and best practices developed through the project to all SAICM stakeholders and to bring these experiences to ICCM5 through a meaningful project closing event in 2023.

Ms. Sharma added that the SAICM secretariat together with ICCA has developed an e-learning course on Industrial Chemicals Databases and Information Sharing based on UNEP and ICCA study “Knowledge Management and Information Sharing for the Sound Management of Industrial Chemicals” (SAICM/OEWG.3/INF/28). The course will soon be ready to be deployed on the InforMEA platform. She noted that SAICM together with partners ICCA, UNEP, EU, ECHA, and UNITAR have initiated a project for “Increasing the global implementation of GHS through a pilot focusing on Africa”, which will be co-funded by the European Union and ICCA. The simplified concept note was approved by the European Commission in January 2022. SAICM is currently coordinating the development of a full-fledged project proposal with the aim to kick-off the project by the second quarter of 2022. She concluded by noting that communication and visibility plans have been developed to support the ongoing projects and aim to target relevant stakeholders.

2) Adoption of the agenda

The ICCM5 President Ms. Breyer noted that the provisional agenda for this meeting had been circulated to the Bureau on 15 December 2021. She invited the Bureau members to raise additional points they may have under AOB. The agenda was adopted without any requests from the Bureau.

3) Adoption of eighteenth meeting report of the ICCM5 Bureau, held on 6 October 2021

The ICCM5 Bureau adopted the report of its eighteenth meeting and tenth teleconference, held on 6 October 2022, without additional comments.

4) Discussion on the proposed SAICM Roadmap leading up to IP4

The President opened the floor by noting that the Roadmap leading to IP4 had been circulated two weeks prior to the meeting and invited Ms. Torres to provide general remarks introducing the document.

Ms. Torres recalled that this Roadmap leading to IP4 was requested by stakeholders during the regional briefings and bilateral meeting held with the regional Bureau members and walked the Bureau through the main points presented in the document.

The President thanked Ms. Torres for the introduction to the Roadmap document and gave the floor to the SAICM Secretariat to go through a detailed presentation of the document.

Ms. Sharma stated that the basis for discussions at IP4 will be the outcome of IP3 as presented in document SAICM/IP.4/2 “Compilation of recommendations regarding the Strategic Approach and the sound management of chemicals and waste beyond 2020”.

She recalled that at the regional briefings that took place on 7 and 8 September 2021 and bilateral meetings with the IP Co-Chair, the SAICM Secretariat and the representatives of regional and stakeholder groups that took place last year, some stakeholders mentioned that their views expressed during the VWG process were not included in the final outcome documents of the Virtual Working Groups. Consequently, and upon request at the Eighteenth meeting of the ICCM5 Bureau, the Secretariat prepared the «Compilation of the outcomes of the Virtual Working Groups» in one single document and presented in document SAICM/ICCM.5/Bureau.TC.11/2. Section I of the compilation document presents the process and mandate of each of the VWGs, followed by textual recommendations from the VWGs for review and proposed next steps.

She also explained that stakeholders will have the opportunity to elaborate those omissions that were presented during the virtual working group process. They will be given two weeks for this exercise. This should not be understood as an opportunity to raise any new comments, views, or proposals for text in addition to those already presented during the virtual process. The Secretariat in consultation with the IP Co-Chair will determine the best way to present this information. The upcoming meetings during the intersessional process will provide further opportunities to build consensus on the documents.

She noted that IP4 is expected to generate one compiled document, without annexes, to provide the basis for discussion and further negotiations at ICCM5. Text not considered during the virtual working group process on the vision, scope, principles and approaches, strategic objectives for the sound management of chemicals and waste, institutional arrangements will have to be considered. Further options to develop a process to continue the intersessional process following the discussions held at IP4 and recommendations made in the VWGs can be considered.

In addition, IP4 is expect to:

- a) Continue implementing ICCM4 mandate by addressing any pending issue from OEWG3 or IP3.
- b) This includes the possibility of convening an OEWG4 meeting if needed as decided by the bureau at its 18th meeting, or further recommend actions and timelines for intersessional work if needed
- c) Confirm or elect by acclamation the IP Co-chair vacant position.

Ms. Sharma subsequently focused on the meetings ahead of us. She stated that following consultations with the Romanian Government, they have confirmed their continued willingness to host the IP4 meeting in Bucharest, Romania and confirmed the dates from 29 August to 2 September 2022. Regional and stakeholder consultations are planned to take place on 27-28 August 2022 just prior to IP4. She noted that during the BRS Regional Preparatory meetings that will be held between end March to early May 2022, twenty-minute slots have been provided to the SAICM Secretariat. These meetings are scheduled as follows:

- 27-29 March 2022, in Bali, Indonesia, back-to-back with Minamata COP-4, for the Asia-Pacific meeting;
- 7-9 April 2022, in Nairobi, Kenya, back-to-back with OEWG-12, for the Africa meeting;
- 3-5 May 2022 in Brno/Prague, Czechia, for the Eastern Europe meeting;
- 3-5 May 2022 in Montevideo, Uruguay for the GRULAC meeting.

In addition, Ms. Sharma said that the Secretariat is exploring the possibility of organizing regional meetings back-to-back with the BRS COPs, in Geneva, Switzerland, on 20 and 21 June 2022.

Finally, Ms. Sharma noted that a face-to-face ICCM5 in 2023 in Bonn is planned. Options for a concrete date will be elaborated by the ICCM5 Presidency and the Secretariat, considering the decision on whether to hold an OEWG4 prior to ICCM5, and considering other international conferences on chemicals and waste.

Ms. Anita Breyer thanked the Romanian Government for their continued interest and offer to host the IP4 meeting at the end of August 2022 and opened the floor for discussion on the Roadmap leading to IP4.

Ms. Susan Wilburn (Health) proposed to explore convening the regional meetings back to back with other non-environment meetings, such as FAO or WHA meetings to strengthen the multisectoral approach. This proposal was supported by Mr. Rory O'Neill (Labor) who suggested an opportunity to collaborate with ILO during the International Labor Conference in June 2022. He also noted that there may be resistance to proposal of organizing back-to-back regional meetings with BRS COPS due to time commitments.

Ms. Victoria Tunstall (WEOG) started by commending the secretariat for the good rating received for the GEF project Mid-term Evaluation. She noted that the Roadmap document is very useful. She noted the importance of setting a date for ICCM5 as soon as possible and suggested leaving enough time between IP4 and ICCM5 to convene a possible OEWG4 in a meaningful manner, if required. She also enquired how multi-sectoral representation and participation will be strengthened in the regional meetings, given the proposal to hold them back to back with BRS COP. She noted that it would be useful to develop a visual side by side representation between the document SAICM/IP.4/2 and the outcomes of the VWGs to facilitate further discussion. She noted that a number of WEOG members have strong reservations about the proposed Step 2 in the Roadmap's recalling that the VWGs were mandated to identify areas of convergence and not express every single view of the delegates. Inviting comments now could detract from the work of the VWGs by repeating discussions on issues the groups have already worked through during the meetings, supplemented by written submissions. Furthermore, all stakeholders will have the opportunity to discuss the VWG outcomes, including at regional meetings and at IP4. She suggested that this exercise is not undertaken prior to the regional meetings. Regarding the Communities of Practice, she sought more information on the Roadmap's proposal to use the SAICM Communities of Practice to hold discussions on IP4/ICCM5 matters. She also reiterated the willingness of the WEOG region for continuing the virtual work.

Ms. Valentina Sierra (GRULAC) mentioned that the agreement was to include the outcomes of the VWGs as annexes and not as addenda and sought clarification on this point. She proposed identifying two dates for ICCM5, a date that includes convening of OEWG4 and another date that does not include OEWG4. She also asked if there could be consideration of organizing the regional meetings in the regions to ensure full participation of all stakeholders in the region and if interpretation is foreseen.

Mr. Bob Diderich (IOMC) expressed his support for the proposals made on the key meeting. He pointed out that the proposal to organize regional meetings back-to-back with BRS COP may limit participation of sectoral stakeholders. He agreed that discussions at IP4 should be based on the IP3 outcome, but he sincerely hoped that the outcomes of the VWGs can also be considered, as virtual work will be how we work in the future. Mr. Diderich subsequently informed the Bureau on two main activities being undertaken by the IOMC. Firstly, a

UNEP initiative exploring ways to make the SAICM beyond 2020 process more integrated and strengthening the multisectoral approach, integrating different sectors and value chains. Secondly, IOMC is working on developing a basic set of indicators by developing criteria and identifying gaps. IOMC will present a progress report on these initiatives during IP4.

Mr. Szymon Domagalski (CEE) congratulated Romania for their offer to host IP4 in August 2022. He said that both regional briefings and meetings will be useful for the region. He noted that combining them with other meetings is a good idea, however, this may create problems for those travelling outside the region and asked what the plans are for those delegates who are not attending the BRS COPS.

He proposed that the annexes to the document SAICM/IP.4/2 are considered working documents not only for information. He also supported the WEOG proposal for the visual comparison of the document SAICM/IP.4/2 and outcomes of the VWGs and the proposal to book a date for ICCM5 with enough time for a possible OEWG4, noting the additional costs involved in booking two dates for ICCM5.

Ms. Sara Brosche (IPEN) stressed the need to work on having a strong buy-in for the new instrument and to ensure that all our steps lead us to that. She noted that the NGO group believes that an OEWG is needed. Ms. Brosche expressed her reservations regarding the proposed regional meetings back-to-back with the BRS COPS. Regarding comments to the compilation of outcomes of VWGs she noted the importance of providing the opportunity to those who could not participate in the virtual process to express their views and that views are then taken on board. Mr. O'Neill (Labor) noted that there is minimal overlap of SAICM and BRS COPS participants, therefore this would limit the participation of relevant stakeholders.

Mr. David Kapindula (Africa) considered that holding back-to-back regional meetings with the BRS COP would be a disadvantage to some stakeholders and being multisectoral many stakeholders wish to participate. He asked if there was any other option to organize these meetings in the regions with interpretation.

Ms. Servet Goren (Industry) noted that she fully supports that the basis for discussions at IP4 is SAICM/IP.4/2 but stressed that we should also consider the intersessional work since IP3. Regarding the proposed regional meetings to be organized back to back with the BRS COPS, she was concerned about those stakeholders who will not attend the BRS COPS who will miss the opportunity for engagement at the regional meetings. She informed the Bureau that ICCA is also working on indicators on circularity, and she was ready to share this with the IOMC colleagues in support of their work. She added that an additional activity that ICCA is undertaking an initiative on global data sharing, and how to use resources in an efficient way through regulators.

Mr. Naziri (Asia Pacific) said that he is not in a position to subscribe to new ideas during this meeting as he still needs to consult with the Asia Pacific region. He noted that the compilation of outcomes of the VWGs should not substitute the outcome of IP3, i.e., SAICM/IP.4/2 as the region faced technical difficulties and were unable to follow the discussions. Regarding the round of comments to the compiled document he does not agree on limiting the inputs to just omissions made during the VWG discussions and noted that it is important for all stakeholders to have ownership of the process.

Ms. Broche (IPEN) took the floor again and noted that she does not agree with using the Communities of Practices as proposed due to issues related to time zones and lack of interpretation. This point was supported by Ms. Wilburn (Health) and expressed her concern that the Communities of Practice should not be a venue for SAICM deliberations.

Following the round of comments, Ms. Breyer summarized the comments made as follows a) discussion on regional meetings, b) question on the status of the VWGs outcomes and request for potential omissions, not additional input, and c) the timing for IP4, OEWG4 and ICCM5.

Regarding point c) she explained that it is difficult at this point for the German Government to set a date for ICCM5 due to cancellation penalties for the Conference facilities, however noted that the preliminary date they are working with is September 2023. Regarding the comments to the compilation of VWGs outcome document, she noted that the text on the table is based on the understanding that it is not an agreed text. The virtual work has been finished yet in accordance with the mandate given to the groups by all ICCM

stakeholders with regard to timing. Hence, the request for comments now is not a continuation or re-start of virtual work. Instead it is the step to finalize the outcome of the VWGs by identifying potential gaps only, i.e. topics that might have been elaborated in the VWG but not been properly reflected in the tabled documents. The regional meetings will be an opportunity to raise awareness and build trust and ownership on the work done during the intersessional process since IP3. She then noted that the negotiations will take place at IP4 with the aim to develop a single document. This proposal was supported by several bureau members.

Mr. Naziri (Asia Pacific) reiterated again that many delegates from his region were not able to participate during the VWG process.

Ms. Breyer recalled that we should not lose the work of those that have participated and agreed to consider the request for comments to the compilation of VWGs outcomes document at the Bureau's next meeting.

Ms. Tunstall (WEOG) reiterated that the VWGs were mandated to find areas of convergence and not to include every single view expressed and that the regional meetings will be an opportunity for everyone to discuss the VWG outcome document so a comment period at this point seems unnecessary. Furthermore, in WEOG's view the IP3 text improved considerably during the VWG process and we would lose much time should we need to go back to the IP3 outcome text completely. While recognizing that the VWG outcome document in no way represents agreed text, from our perspective it is a good basis for further discussions. Finally, she welcomed the work of IOMC on indicators and suggested this work should be included in the Roadmap. With regards to the IP4 format she noted that, given the unpredictability of the pandemic, it is important to have a back-up plan for IP4 and a hybrid option should be considered.

Mr. Diedrich (IOMC) was also in agreement that the regional meetings will help to raise the awareness on the VWGs outcomes and to identify the gaps and differing views. Following the question posed by Mr. O'Neil (Labor) on how IOMC is aiming to ensure balanced participation and contributions to the indicators process he noted that all IOMC members are engaged in this activity and they welcome participation from all interested parties.

Mr. Domagalski (CEE) stressed that the IP process was not intended to negotiate text, rather develop recommendations to be negotiated at ICCM5. IP4 would further elaborate on the recommendations.. He then concluded that the current approach already accounts for existing concerns and already is a compromise.

Regarding the clarification on the VWGs outcomes being presented as Addenda, Ms. Sharma noted that document SAICM/IP.4/2 has Annexes and Appendix and upon consultation with conference services, it was suggested that having addenda may be a better option. She noted that this is not set in stone and can be changed into Annexes.

Ms. Breyer recalled the status of document is a major point, but not its type. She stressed the need to build a strong and ambitious mandate, as well as to find consensus on how to handle regional meetings.

Mr. de Mesa explained the initial steps taken so far to organize the regional meetings back-to-back with the BRS COPs. Ms. Sharma welcomed exploring new opportunities of back-to-back meetings with other organizations to increase sectoral engagement, as well as the possibility of organizing regional meetings in the regions. Mr. De Mesa also said that the actual approved budget includes a normal participation to the IP4 meeting and does not include the cost of the venue which is planned to be financed by the host country. Ms. Sharma mentioned that regional meetings can be organized between May-June 2022, and this was supported by the President, including having the regional meetings in the region. She then proposed to close this agenda item and move to the next agenda item.

5) Next teleconference of the Bureau

Under this agenda item, Ms. Breyer suggested that the twentieth meeting and twelfth teleconference of the ICCM5 Bureau meeting takes place on Tuesday, 15 March 2022, which will provide sufficient time for Bureau members to consult with their respective regions and constituencies.

6) Any Other Business

6.1. Pilot Project on GHS implementation

The President invited the Secretariat to present the new project “*Increasing the global implementation of GHS through a pilot focusing on Africa*”.

Mr. Olivier Baldan first described how the project is organized: the project Steering Committee comprises of United Nations Institute for Training and Research (UNITAR), European Chemicals Agency (ECHA), UNEP, European Union, International Council of Chemical Associations (ICCA) and SAICM Secretariat, and the project is funded by the EU and ICCA. The project aims to support the implementation of the Global Harmonized System of Classification and Labelling on Chemicals (GHS) in four African countries, namely Côte d'Ivoire, Ghana, Kenya and Nigeria. He noted that the goal of the project is to have the recipient countries adopt a GHS implementation plan creating a sound basis to build adequate control structures for the sound management of chemicals and waste and demonstrate substantive progress in its implementation. The project also aims to scale up the adoption of GHS globally. The project duration is envisaged to be four years.

Mr. Baldan noted that the project consists of two main outputs: Output A aims to demonstrate the effectiveness or benefits of the approach employed to support the implementation of the GHS, and document the results making them available for dissemination to key regional decision makers as appropriate. This output includes i) establishment of legal agreements with recipient countries and ii) development of the national GHS implementation Roadmap, iii) support the adoption process of national legislation, and iv) development of a framework to support the GHS implementation globally. Output B will be led by UNITAR and focuses on providing training and knowledge on GHS to support its implementation to relevant stakeholders.

Mr. Baldan noted that the project concept note was approved by the EU in January 2022, while a full-fledged project proposal is expected to be finalized and approved by July 2022. The Secretariat then requested the Bureau to provide input on the need for and composition of an advisory board for this pilot project.

The Bureau members were pleased with the announcement and requested if additional information can be sent by email to provide their support and inform potentially interested parties.

Mr. Diderich (IOMC) noted that GHS is the corner stone of any chemical management legislation and they are pleased with the progress. He suggested that the project would benefit from early engagement and partnership from other IGOs, notably ILO on safety aspects, and OECD on scientific knowledge used for the basis for classification criteria and tools for information dissemination and labelling.

Mr. Baldan responded that in order to expedite the process, coordination with ILO and OECD is handled by UNITAR through the Global Partnership to Implement GHS. He also noted that SAICM will send out information on the project as requested.

6.2. Appointment of Deputy to Bureau President

Ms. Breyer informed the Bureau that in the event that she is unavailable to preside over the next Bureau meeting or subsequent Bureau meetings, she is appointing Mr. Szymon Domagalski (CEE) to act her Deputy.

6.3) Replacement of Co-Chair for IP4

Ms. Sharma reminded that Mr. David Morin stepped down as a Co-Chair for IP4 due to a change in his operational duties. She noted that some initial discussions with a potential candidate have taken place with support from Mr. Diderich.

Mr. Diderich noted that the potential candidate, Mr. Phil Parkes is currently the head of Work Safe (New Zealand). Prior to this he was working for the New Zealand Environment Agency and was in charge of chemicals management. Mr. Parkes is aware of SAICM and is eager to engage.

Mr. Naziri (Asia Pacific) and Ms. Sierra (GRULAC) expressed their concerns about the transparency of the co-chair selection process and requested further clarification as well as an opportunity for regions to nominate candidates to maintain the ownership of the process.

Ms. Sharma reassured that the SAICM Secretariat will duly examine the procedure and will keep the Bureau members informed in a separate communication on this issue.

Ms. Breyer added that there is a need for somebody with experience and understanding of the process.

7) Closure of the meeting

The ICCM5 President thanked the SAICM Secretariat for organizing the nineteenth meeting and eleventh teleconference of the ICCM5 Bureau. She thanked all Bureau members for expressing their points of view on possible ways forward in the Intersessional Process and expressed her confidence that the ICCM5 Bureau, together with the IP Co-Chairs will find the best way to shape an ambitious SAICM instrument. The President wished everyone a good day, afternoon and evening and closed the meeting at 4:38 pm CET.

Annex

Participants

Bureau Members: Ms. Anita Breyer (Germany, ICCM5 Bureau Member Western Europe and Others Group), Mr. Szymon Domagalski (Poland, ICCM5 Bureau Member Central and Eastern Europe), Mr. David Kapindula (Zambia, ICCM5 Bureau Member Africa), and Ms. Valentina Sierra (Uruguay, ICCM5 Bureau Member Latin America and the Caribbean).

Regional Focal Points: Mr. Francisco Barbieri (Argentina representing Latin America and the Caribbean), Mr. Mohsen Naziri Asl (Iran representing Asia-Pacific), and Ms. Victoria Tunstall (Canada representing Western Europe and Others).

Representatives of non-governmental participants and the IOMC: Ms. Sara Brosché (Public Interest Organizations), Mr. Rory O'Neill (Labor), Ms. Servet Goren (Industry), Ms. Susan Wilburn (Health), and Mr. Bob Diderich (IOMC).

SAICM Secretariat: Ms. Nalini Sharma (Coordinator), Mr. Jose de Mesa, Mr. Eduardo Caldera Petit, Mr. Olivier Baldan, Mr. Oleksandr Nazarenko, and Mr. Ricardo Dunn.

Observers: Ms. Judith Torres (Co-chair of the Intersessional Process), Mr. Matthias Wolf (German Federal Ministry for the Environment, Nature Conservation and Nuclear Safety), Ms. Sheila Aggarwal-Khan (Director, Economy Division, UNEP), Ms. Monika G. MacDevette (Chief, Chemical and Health Branch, Economy Division, UNEP), Mr. Kevin Helps (Head, GEF Unit, Chemical and Health Branch, Economy Division, UNEP), and Ms. Catalina Pizarro (representing the Principal Legal Officer, Law Division, UNEP).

Regrets: Mr. Vladimir Lenev (Russian Federation representing Central and Eastern Europe), Shri. Naresh Pal Gangwar (India, ICCM5 Bureau member Asia Pacific Region), and Mr. Kouame Georges Kouadio (Cote D'Ivoire representing Africa).