

EU and its MS initial comments on draft resolutions proposed by Switzerland (general comments were presented at the CPR Subcommittee meeting on 18 January 2022)

UNEA 5.2 Draft Resolution on the Sound Management of Chemicals and Waste

General Comments:

- The EU and its MS thank Switzerland for the proposal and welcome the suggested elements for a resolution on the sound management of chemicals and waste.
- The EU and its MS are looking forward to further elaborate the text of the resolution together with all Member States.
- While the EU and its MS support a concise resolution, a call for strengthening cooperation between Inter-Organisation Program for the Sound Management of Chemicals (IOMC) organizations could be added in order to further accelerate common efforts in assisting Member States in the implementation of the chemicals and waste MEAs and SAICM and requesting the ED to support the BRS secretariat in becoming a member of IOMC as decided by the BRS COPs.
- Regarding the current SAICM intersessional process and ICCM5, the ED should be requested to ensure the necessary support by a proper functioning SAICM Secretariat.
- The EU and its MS recognize the significant improvement of engagement of the IOMC participating organizations in the sound management of chemicals and waste and encourage them to continue work towards further enhancing cooperation.
- On the future framework that will be agreed at the fifth International Conference on Chemical Management (ICCM-5), we would like to underline that UNEP shouldn't have an exclusive role in supporting the implementation of the new framework but also the other IOMC organisations, other relevant UN agencies and MEAs play an important role.
- On the follow-up to the report on "Issues of Concern", the EU and its MS note that the resolution might request UNEP to gather and assess options for further international action to address these issues of concern. However, we could ask to Switzerland why such a proposal is made, as it might pre-empt the work of ICCM-5.

Comments/questions by paragraph:

(Proposed additions **in bold**, proposed deletions in ~~strikethrough~~)

PP1:

The EU+MS believe the soil pollution should be added to air and water pollution

This would read:

"...that given the interconnected nature of climate change, loss of biodiversity, land degradation, and air, **and water and soil** pollution..."

PP2:

The EU+MS think the goal on sustainable consumption and production should also be mentioned in PP2, after those on health.

This would read:

“...including in particular those on health, **but also on sustainable consumption and production, ...**”

PP7:

Suggest to align the language with the title of the UNEP assessment report “Chemicals and Waste Issues Posing Risks to Human Health and the Environment:

“Convinced of the need to address urgently **Chemicals and Waste** issues of concern **posing risks for human health and the environment** which have been identified

In addition, the EU+MS believe this PP7 should specify by whom the issues we are referring to should be identified. We also wonder if mentioning specific substances could pre-empt the need to identify other issues of concern, and it might therefore be better not to mention any of those pollutants.

OP2:

EU+MS support more general and forwarding wording in this OP2 and suggest the following reformulation:

Calls on Governments, the private sector and in particular manufacturers and users of chemicals, non-governmental public health and environmental organizations, trade unions, academic institutions, and other civil society organizations to [~~put in place~~] **adopt** a comprehensive and ambitious new instrument [~~to promote and support~~] **on** the sound management of chemicals and waste beyond 2020, [~~including effective means of implementation~~].

OP3:

The EU+MS suggest to clarify that the new instrument is the Beyond 2020 framework. In addition, since the SMCW is crucial for the achievement of many if not all SDGs the ref to SCP alone might be misunderstood, proposal to delete the bracketed part [~~and the need to achieve sustainable consumption and production.~~] since the cross-cutting relevance of the sound management of chemicals and waste to the 2030 Agenda is already addressed in PP2.

OP8:

The EU+MS suggest to reinforce the message sent to the GEF by changing the phrasing of this OP, and suggest the formulation:

Encourages the GEF to continue and enhance its support for the Strategic Approach to International Chemicals Management (SAICM) and the sound management of chemicals and waste beyond 2020.

OP14:

The EU + MS proposes to highlight the voluntary nature of the contribution to the Special Programme only if this nature is questioned.

Proposed new OP17bis:

The EU+MS would like to propose a new OP between OP 16 and OP 17, dedicated to the implementation of the green and sustainable chemistry manuals, as recommended by the Executive Director in the report of implementation of resolution 4/8:

OP17bis Welcomes the manuals on green and sustainable chemistry, which highlight the crucial importance of environmentally sound innovation

OP18:

EU+MS would like to seek clarification whether these actions would be outside of the Beyond2020 framework, and the implications they would have on that framework. We would also welcome clarification on the link with the new instrument.

We would like to underline that this work could also be done by a possible new Science Policy Panel. EU+MS support global concerted actions on arsenic, cadmium and lead as warranted and recommended by UNEP in the “Assessment Report on Issues of Concern”

Proposed new OP18bis:

EU+MS would suggest to add a new OP between OP 18 and OP 19, specifying that other issues of concerns might be identified later on:

OP18bis Notes that a broader set of issues of concern may need to be considered and identified by the international community in the future

OP19:

EU+MS member states would like to add to this OP a mention to the initiatives launched by UNEP/WHO/FAO to eliminate the harm posed by Highly Hazardous Pesticides, in order to express the need for global actions. This could be done by adding at the end of the paragraph: **“and welcomes the joint FAO/WHO/UNEP initiatives to eliminate the harm posed by Highly Hazardous Pesticides”**

In addition, the EU+MS would like to stress that the last report by UNEP/WHO on EDC was published in 2012. In line with the recommendation by the ED in the “Assessment Report on Issues of Concern” to “ Regularly synthesize and disseminate relevant scientific evidence in a policy-ready format to bring governments and stakeholders worldwide to the same level of awareness and knowledge “, the EU/MS suggest the resolution to request an update of this report published 10 years ago.

Moreover, we would like to suggest that traceability of talc and vermiculite contaminated by asbestos could also be addressed by UNEA 5.2, through this resolution.

OP21:

EU+MS would suggest this OP also request the Executive Director to support the implementation of SAICM, and other agreements.

This could read as follow:

Requests the Executive Director to continue to support the implementation of the Basel, Rotterdam, Stockholm and Minamata Conventions, **as well as the Strategic Approach to International Chemicals Management**, in particular through the implementation of activities

where the support of UNEP is requested by the Conferences of the Parties **and governing bodies** of those conventions **and agreements**.

UNEA 5.2 Draft Resolution for a Science-Policy Panel to support action on chemicals, waste and pollution

General Comments:

- The EU and its MS acknowledge the importance of a strong Science Policy Interface on environment related issues, and we support the objective to strengthen the Science Policy Interface in the area of Chemicals, waste, and pollution related to such.
- The EU and its MS welcome the proposal to establish an Open-Ended Working Group to create an independent science-policy interface for the chemicals and waste cluster which should be intergovernmental, independent, interdisciplinary, transparent and not duplicate existing work.
- This science-policy interface should serve the chemicals and waste cluster fulfilling three basic functions:
 - **1. Horizon scanning:** To identify and support prioritisation of new and emerging global issues of concern, by synthesising relevant key information for policymakers.
 - **2. Scientific assessments:** To undertake assessments on chemicals and waste-related issues and provide risk management options relevant for policy-makers and stakeholders.
 - **3. Communication and outreach:** To enhance public understanding of chemicals and waste science and their linkages with other areas such as climate, biodiversity and health (including pandemic) issues, facilitate communication between the scientific community, the general public, decision makers, international institutions and stakeholders.
 - The EU and its MS would like to ask the proponents to clarify how exactly they define “pollution” and if this is referred specifically to the sector of chemicals and waste.

Questions/comments per paragraph:

PP3:

The EU and its MS welcome the report, but note that while different options have been identified, a clear delineation and consideration of mandates and work programs of existing science policy interfaces was only dealt with briefly. The EU and its MS believe element should be taken up by the OEWG.

PP5:

The EU and its MS believe that sustainable and green chemistry should be defined in the resolution.

PP6:

The EU and its MS welcome the proposal by the proponents of this resolution to name it as a “panel”. The EU and its MS are flexible on the exact name of this future instrument.

OP1:

The EU and its MS would like to seek further clarifications on the definition of “pollution”, which should be better explained throughout the resolution.

EU/MS view is that Pollution should cover pollution with a focus on/ related to chemicals and waste cluster.

OP3:

Regarding the reference to the “authority” that “shall rest with Governments”, the EU and its MS would like to seek clarification on the type of authority which is pointed out here.

OP6:

The EU/MS propose to add:

- “chemicals, waste and” after “the relevant secretariats of”
- “and collaborative bodies after “and other relevant international organizations”
- “and the Inter-Organization Programme for the Sound Management of Chemicals” after “World Health Organization”.

The full text of this OP would read as:

*OP6. Requests the Executive Director to cooperate closely with the relevant secretariats of the **chemicals, waste and pollution-related global Multilateral Agreements, and other relevant international organizations and collaborative bodies** such as the World Health Organization **and the Inter-Organization Programme for the Sound Management of Chemicals** , to ensure their involvement in the preparation of the first meeting and encourage further consideration of their roles by their respective governing bodies,*

OP8:

The EU and its MS believe that the funding of the implementation of this resolution is voluntary. The EU and its MS understand, that with the reference to “extra-budgetary resources” and “in a position to do so”, all activities for the implementation of this resolution shall be funded by voluntary means.

The EU/MS would like to propose this additional OP:

OP 10i bis: ‘the mandate and work program of the panel, paying due attention to mandates and work programs of existing science policy interface bodies, in order to achieve optimal coordination and avoid unnecessary overlap’

OP10(iii):

The EU/MS believe that the typology of actors foreseen here could be more precisely detailed (UNEP, UN chemicals and waste conventions, Beyond 2020 framework, WHO, Inter-Organization Programme for the Sound Management of Chemicals, etc.)

OP10(vii):

EU/MS believe that the Science Policy Interface/Panel should be financed by voluntary means.

OP10(ix):

We would like to reiterate financing by voluntary means

OP10(x):

The EU and its MS believe that it is important to keep the ToR/mandate open so that ad-hoc OEWG can address also any other issues it considers relevant.

OP11(iv):

The EU/MS suggests to switch the order between SMCW and pollution.

The paragraph would read as follows:

“OP11 (iv). undertakes work which is complementary to and does not duplicate or compromise the work of the UN agencies and the expert subsidiary bodies of existing and future global Multilateral Agreements active in the field of **pollution** and the sound management of chemicals and waste, **including pollution**”.

UNEA 5.2 Draft Resolution on Mineral resource governance**General Comments:**

- The EU and its MS share the view that it is necessary to follow up on the UNEA-4 resolution on mineral resource governance (EA.4/Res.19) and respond to its progress report (EA.5/14) and the recommendations contained therein.
- The EU and its MS share the view that work on mineral resource governance should also be synergetic with and contribute to the implementation of the UNEA-4 resolution on sustainable consumption and production (EA.4/Res.1).
- In this context, the EU and its MS stress the importance that sustainable mineral resource governance can play in meeting relevant goals and targets in the 2030 Agenda for Sustainable Development, notably SDG 12, and in the Global Biodiversity Framework, and for supporting the transition to a climate-neutral, resource-efficient and circular economy.
- Specifically, they consider that the major role of circular economy in sustainable minerals management should be reflected in the text, as effective implementation of circular economy is needed to ensure sufficient natural resources for the increasing digitalization in the global economy.
- The EU and its MS therefore support the call for the creation of an open-ended working group, which should put to the fore the need to elaborate policy options for mineral resource governance and its contribution to sustainable development, notably SDG 12. It should address the environmental and health impacts of minerals extraction, and along the full life-cycle of the mine, including processing, refining, waste and tailing management.
- The EU and its MS emphasize the importance of health impacts, as the International Resource Panel's 2019 report “Global Resources Outlook” has shown that the way we use natural resources has profound implications for the health and wellbeing of people. It especially recounts that minerals and metals extraction and processing up to ready-to-use materials account for about a fifth of the health impacts, as provided in PP11. Accordingly, the EU and its MS propose a few amendments in PP8, OP2 and OP3 (d) to reinforce this aspect of the issue in the resolution.
- Regarding the reference in the draft resolution to the need for an authoritative certification process for the Global Industry Standard on Tailings Management via the establishment of

an independent entity, the EU and its MS suggest to also underline the importance of public transparency on that process.

Comments/questions on paragraphs:

PP2:

The EU+MS consider the current wording to be misleading, as what is essential to achieve SDG 12 and its target 12.2, is sustainable mineral resource governance, not minerals themselves.

The EU+MS would like to complement that in the context of sustainable use of minerals and products or materials made thereof, SDG Target 8.4 is also essential to achieve sustainable development and the 2030 Agenda.

This would read:

“Recognizing that minerals and **sustainable mineral resource governance** are essential to the achievement of the 2030 Agenda for Sustainable Development, in particular Sustainable Development Goal 7 (Ensure access to affordable, reliable, sustainable, and modern energy for all), **Sustainable Development Goal 8 (Promote sustained, inclusive and sustainable economic growth) and its target 8.4 (Improve progressively through 2030, global resource efficiency in consumption and production and endeavor to decouple economic growth from environmental degradation)**, Sustainable Development Goal 12 (Ensure sustainable consumption and production patterns) and its target 12.2 (By 2030, achieve the sustainable management and efficient use of natural resources) as well as to the Paris Agreement;”

PP3:

The EU+MS wish to highlight that chances and risks presented by minerals regarding the achievement of the 2030 Agenda should be presented in a balanced manner. Indeed, besides its potential to contribute positively, mineral production, in many cases, also has an adverse impact on the achievement of several SDGs, as it has been demonstrated in numerous reports.

This would read:

“Noting with concern that the demand for minerals, including sand and gravels, is expected to significantly increase in the coming decades, posing serious supply risks, ~~as well as environmental, economic and social challenges at local, regional and global scales~~ **serious risks regarding the achievement of the Sustainable Development Goals, especially Goal 3 (Good Health and Wellbeing), Goal 5 (Gender Equality), Goal 6 (Clean Water and Sanitation), Goal 12 (Sustainable Consumption and production), Goal 14 (Life below Water) as well as Goal 15 (Life on Earth);”**

PP4

The EU and its MS would like to introduce the important issue of pricing externalities linked with mining, as price signals are an important tool in the hands of governments for steering market forces towards sustainable development.

This would read :

“Reaffirming the Rio Declaration on Environment and Development and its principles; **and stressing in this regard the importance of reflecting social and environmental price externalities of unsustainable mineral resource governance;”**

PP8

The EU and its MS underline the importance of reflecting health challenges in the text and social risks, as UNEP has also addressed social impacts in natural resources governance in this context.

This would read:

“*Stressing* the urgency for enhanced global policy action on governance of mineral resources to address environmental, **social and health** challenges;”

New Para after PP9

Building on resolution 4/1, the EU and its MS would like to explicitly stress the opportunities that sustainable mineral resource governance can offer for the green transition.

They suggest to add a paragraph PP9 bis, that would read:

“PP9 bis. *Stressing* the opportunities that sustainable mineral resource governance can offer to the transition towards a climate-neutral, resource-efficient and circular economy;”

PP11:

The EU and its MS emphasize the importance of health impacts of minerals extraction, as provided in this PP, and propose accordingly a few amendments in PP8, and OP2, OP3 (d) to reinforce this aspect of the issue in the resolution.

OP1:

The EU+MS would like to include a reference to land degradation and the UNCCD 10 Year Strategic Plan.

This would read :

“*OP1. Encourages* Members States and relevant stakeholders active along the mineral supply chain, including the financial sector and international financial institutions, to align mining practices and investments in mining with the 2030 Agenda for Sustainable Development, the Paris Agreement, the Post-2020 Global Biodiversity Framework, the Minamata Convention, **the UNCCD 10 Year Strategic Plan** and other relevant multilateral environmental agreements, and ‘build back better’ following the COVID-19 pandemic;”

OP2

In line, in particular, with PPs 2, 8 and 9, the EU and its MS stress the need to reflect in this OP the broader scope of the elements provided in OP3, notably mineral governance aspects.

We also wish to reflect in the draft that the management of mining waste impacts the environment, both in terms of pollution and improving circular economy. In particular, the mandate of the OEWG should include tailing management.

Moreover, the EU and its MS underline the importance of reflecting health challenges in the text.

This would read:

“*OP2. Decides* to convene an ad-hoc open ended working group with the aim of developing recommendations to UNEA **on policy options for mineral resource governance and its contribution to sustainable development, notably SDG 12, and for** reducing the environmental **and health** impacts of minerals extraction and along the full life-cycle of the

mine, including processing, and refining, **waste and tailing management** where relevant, enhancing responsible business practices including transparency and environmental due diligence in line with internationally agreed environmental goals, and:”

OP2(a):

The EU and its MS emphasize the importance of taking into account the availability of resources of UNEP.

This should read:

“Requests the Executive Director of UNEP to provide administrative support for this work, **subject to the availability of resources;**”

OP3(a)

In line in particular with PPs 2, 8 and 9, the EU and its MS consider that the focus of the OEWG should be the contribution of mineral resource management to sustainable development.

We also wish to reflect in the draft that the management of mining waste impacts the environment, both in terms of pollution and improving circular economy. In particular, the mandate of the OEWG should include tailing management.

It is also important to specify which session of UNEA should consider this proposal.

This would read:

“OP3 (a). develop a proposal for global common vision and objectives towards the sustainable management of mineral resources for 2030 **and its contribution to sustainable development,** primarily addressing **inter alia** the extraction and the full life-cycle of the mine, including processing, and refining, **waste and tailing management** where relevant, for consideration by UNEA-(X);”

OP3(b)

The EU and its MS would like to have clarifications on the mention of “transparency” in this paragraph, and the content of the mandate given to the OEWG on this aspect.

Rehabilitation of sites affected by past mining activities must have a differentiated approach due to the complexity of assigning responsibility for their rehabilitation and the need to study each case according to its current situation.

This would read:

“OP3 (b). assess existing international policies and legal instruments in terms of their coherence with internationally agreed environmental goals and their adequacy to address existing challenges, in view of identifying governance gaps, regarding but not limited to artisanal and small-scale mining (ASM), mine tailings, rehabilitation of contaminated sites and closed **or abandoned** mines, transparency, environmental due diligence, and;”

OP3(d):

The EU and its MS consider that the major role of circular economy in sustainable minerals management should be reflected in this paragraph, as effective implementation of circular economy is needed to ensure sufficient natural resources for the increasing digitalization in the global economy.

Again, the EU and its MS underline the importance of reflecting health challenges in the text. Again, it is also important to specify which session of UNEA should consider this proposal.

This would read :

“*OP3 (d)*. make recommendations to UNEA-(X), including policy option proposals, on how to enhance the coverage of environmental **and health** issues of existing initiatives and standards, ~~and~~ on the need **for the development of** new voluntary and/or legally binding instruments **and on effective implementation of circular economy;**”

OP5:

The EU and its MS emphasize that the advancement of technology has made it possible to extract raw materials from mining waste. It is important to include this “re-mining” activity in the life cycle to ensure that this new activity is carried out in a way that preserves the environment and contributes to meeting the objectives set.

This would read:

“*OP5. Request* the Executive Director **to promote, and, subject to the availability of resources,** commission further research on tailings management (natural-hazard triggered technological accidents, tailings reduction, re-use, ~~and~~ recycling **and re-mining**) working with the relevant organizations and stakeholders and to work with Member States and the private sector to improve the safety, **resource efficiency** and environmental outcomes of tailings facilities and to **promote circular economy ;**”

OP6:

The EU and its MS would like to ask for clarifications on the need to establish a new entity. Indeed, if an appropriate entity already exists, it could be tasked with this role; there would not be a need to establish a new one.