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**Ad hoc open-ended working group on a science-policy panel
to contribute further to the sound management of
chemicals and waste and to prevent pollution
Second session**

Nairobi, 11–15 December 2023

Item 4 of the provisional agenda*

**Preparation of proposals for the establishment of a science-policy
panel**

**Proposal for a conflict-of-interest policy for the science-policy
panel**

Note by the secretariat

The annex to this document provides draft text for Annex 5 of UNEP/SPP-CWP/OEWG.2/INF/10: Conflict of interest policy for the science-policy panel. The ad hoc open-ended working group on a science-policy panel to contribute further to the sound management of chemicals and waste and to prevent pollution may wish to consider the draft text provided.

* [UNEP/SPP-CWP/OEWG.2/1](#).

Annex*

A. Purpose of the Conflict-of-Interest Policy

1. The objective of the Science-Policy Panel ('the Panel') as stated in [paragraph 1 of the "Functions, operating principles and institutional arrangements of the Panel" in the Agreement and Rules of Procedure] is to strengthen the science-policy interface to contribute to the sound management of chemicals and waste and to prevent pollution for the protection of human health and the environment. According to the operating principles of the Panel, in carrying out its work, the Panel and the supporting subsidiary bodies must be scientifically independent and ensure credibility, relevance and legitimacy through its work and transparency in its decision-making processes and use clear, transparent and scientifically credible processes for the exchange, sharing and use of data, information and technologies from all relevant sources, including non-peer-reviewed literature, as appropriate. The outputs of the Panel should be neutral with respect to policy, although they may need to deal objectively with scientific, technical and socio-economic factors relevant to the application of particular policies.
2. The role of the Panel requires that it pay special attention to issues of independence and bias in order to maintain the integrity of, and public confidence in, its outputs and processes. It is essential that the work of the Panel is not compromised by any conflict of interest for those who execute it.
3. The overall purpose of this policy is to protect the legitimacy, integrity, trust, and credibility of the Panel and its deliverables as well as confidence in its activities and in individuals who are directly involved in the preparation of its reports and other deliverables. This policy is principles-based and does not provide an exhaustive list of criteria for the identification of conflicts of interest. It can be amended by the Plenary as part of the functions vested in the [Plenary] in the [Agreement and the Rules of Procedure].
4. The Panel recognizes the commitment and dedication of those who participate in its activities and the need to maintain a balance between minimising the reporting burden, and ensuring the integrity of the Panel and its deliverables while continuing to build and maintain public trust.
5. This Conflict-of-Interest Policy is designed to ensure that conflicts of interest are identified, communicated to the Committee on Conflicts of Interest, and managed to avoid any adverse impact on the Panel's independence, outputs and processes, thereby protecting the person or persons concerned, the Panel, and the public interest. Any duly reasoned request relating to a potential conflict of interest may be sent to the [Bureau].
6. It is essential to avoid a situation in which a reasonable person could question, discount or dismiss the work of the Panel owing to the perception of a conflict of interest. It is recognized that the privacy and professional reputation of individuals must be respected. Identifying a potential conflict of interest does not automatically mean that a conflict of interest exists. The policy is intended to enable individuals to provide the information necessary for the evaluation of a given situation.

B. Scope of the Conflict-of-Interest Policy

7. This policy applies to the senior leadership of the Panel, namely, members of the Bureau of the Panel and any subsidiary bodies contributing to the development of deliverables, to experts contributing to the activities of the Panel such as authors with responsibility for report content (including report co-chairs, coordinating lead authors and lead authors), and review editors; and to professional non-United Nations staff supporting the Panel's work.
8. The policy applies to the development of all Panel products and deliverables, including but not limited to: horizon scanning products; assessment reports; special reports; methodology reports and technical papers.
9. The professional staff members of the Panel Secretariat who are employees of [the United Nations] are subject to the United Nations disclosure and ethics policies, as well as code of conduct, which include conflict of interest.
10. The policy will be executed to reflect the various roles, responsibilities and levels of authority, of participants in the Panel process. In particular, consideration should be given to whether responsibility

* The annex has not been formally edited.

is held at an individual level or shared within a team and to the level of influence held over the content of the Panel's deliverables.

11. The application of the Conflict-of-Interest Policy to persons elected to or selected for positions within the Panel should reflect their specific responsibilities.

C. Conflict of Interest

12. A "conflict of interest" refers to any current professional, financial or other interest which could:

- i. significantly impair the individual's objectivity in carrying out his or her duties and responsibilities for the Panel, or
- ii. create an unfair advantage for any person or organization.

For the purposes of this policy, circumstances that could lead a reasonable person to question an individual's objectivity, or whether an unfair advantage has been created, constitute a potential conflict of interest. These potential conflicts are subject to disclosure.

13. Conflict of interest policies in science-policy interfaces typically make a distinction between "conflict of interest" and "bias," which refers to a point of view or perspective that is strongly held regarding a particular issue or set of issues. In the case of author and review teams, bias can and should be managed through the selection of a balance of perspectives. Bias can also be managed through other means, including a rigorous peer review. For example, it is expected that Panel author teams will include individuals with different perspectives and affiliations. Those involved in selecting authors will need to strive for an author team composition that reflects a balance of expertise and perspectives, such that Panel products are comprehensive, objective, and neutral with respect to policy. In selecting these individuals, care must be taken to ensure that biases can be balanced where they exist. In contrast, conflict of interest exists where an individual, or an organization, could secure a direct and material gain through outcomes of a Panel process. Holding a view that one believes to be correct, but that one does not stand to gain from personally is not a conflict of interest.

14. The conflict-of-interest requirements in this policy are not designed to include an assessment of one's behaviour or character or one's ability to act objectively despite the conflict of interest.

15. This policy applies only to current conflicts of interest. It does not apply to past interests that have expired, no longer exist, and cannot reasonably affect current behaviour. Nor does it apply to possible interests that may arise in the future but that do not currently exist, as such interests are inherently speculative and uncertain. For example, a pending application for a particular job is a current interest, but the mere possibility that one might apply for such a job in the future is not a current interest.

16. Professional and other non-financial interests need to be disclosed only if they are significant and relevant. If in doubt about whether an interest should be disclosed, individuals are encouraged to seek advice from the appropriate Panel body as defined in Annex A [Committee on Conflicts of Interest]. Significant and relevant interests may include, but are not limited to consulting relationship, advisory committees associated with private sector organizations, senior editorial roles and memberships on boards of non-profit or advocacy groups. Significant and relevant interests may also include those relevant interests of parties with whom an expert has a current contractual relationship or substantial common interests and which could be perceived as unduly influencing, or likely to unduly influence, the expert's judgement (for example their employer(s), close professional associates, their administrative unit or department, sponsoring or funding entities).

17. Financial interests need to be disclosed only if they are significant and relevant. These may include, but are not limited to, the following kinds of financial interests: employment relationships; consulting relationships; financial investments; intellectual property interests; commercial interests, and sources of research support. Individuals should also disclose significant and relevant financial interests of any person with whom the individual has a substantial business or relevant shared interest. If in doubt about whether an interest should be disclosed, individuals are encouraged to seek advice from the appropriate Panel body as defined in Annex A [Committee on Conflicts of Interest].

18. To prevent situations in which a conflict of interest may arise, individuals directly involved in the preparation of Panel deliverables should avoid being in a position to clear (approve, adopt, or accept) on behalf of any government the text in which they were directly involved.

Annex A

This annex sets out the procedures for implementing the Conflict-of-Interest Policy (“the COI Policy”) for the Science-Policy Panel (‘the Panel’) which is contained in [XX] adopted by the Panel at its first session.

Implementation Procedures

1. These Implementation Procedures are designed to ensure that conflicts of interest are identified, communicated to the relevant parties and managed to avoid any adverse impact on the Panel and its deliverables and processes and also to protect the person or persons concerned and the public interest.
2. These Implementation Procedures apply to all conflicts of interest as defined in paragraph 12 of the COI Policy and apply to the individuals listed in paragraph 7 of that policy. Compliance with the COI Policy and Implementation Procedures is mandatory. An individual cannot participate in the Panel’s work where he or she has not complied with the COI Policy and Implementation Procedures. Where a conflict of interest is identified, a person may only proceed to participate in Panel activities if action is undertaken that resolves the conflict or the individual is a Panel author subject to the provisions in paragraph 6 of these procedures.

Bureau and Interdisciplinary Expert Committee members: Review process prior to appointment

3. The Conflict of Interest Disclosure Form (“the COI Form”) contained in Annex B to the COI Policy will be submitted to the Secretariat in respect of each nominee for election to the Bureau or Interdisciplinary Expert Committee (IEC) of the Panel. The COI Committee¹ (composed of six members from the Bureau and six members from the IEC and two additional members with appropriate legal expertise from [relevant United Nations entity] appointed by that organization) will review the COI Forms. Where the COI Committee determines that a nominee for Bureau membership has a conflict of interest that cannot be resolved, the individual will not be eligible for election to the Bureau. The process above will also apply in respect of candidates for election to the Bureau or IEC who are nominated during the course of the Panel plenary session during which the relevant election is due to be held.

Bureau and Interdisciplinary Expert Committee members: Review process after appointment

4. All members of the Bureau and the Interdisciplinary Expert Committee members will inform the Secretariat annually of any changes in the information provided in their previously submitted COI Form. The COI Committee will review the updated information, determine whether the relevant member has a conflict of interest that cannot be resolved and determine what further action is necessary in accordance with the COI Policy.

Other roles subject to COI Policy: Review process prior to appointment

5. Before an individual is appointed to a role subject to the COI Policy in accordance with paragraph 7 of the Policy, the Secretariat will request the individual to complete a COI Form. Before an expert can take on the role in question, the COI Committee will evaluate the form to determine whether the individual has a conflict of interest that cannot be resolved.

6. In exceptional circumstances, a conflict of interest on the part of a Panel expert which cannot be resolved may be tolerated where the individual is deemed to provide a unique contribution to a Panel deliverable and where it is determined that the conflict can be managed such that it will not have an adverse impact on the relevant Panel deliverable. In such cases, the COI Committee will publicly disclose the conflict and the reasons for determining that the individual may continue to contribute to the Panel’s work in spite of the conflict.

Other roles subject to COI Policy: Review process after appointment

¹ When the panel is first established, an interim committee will be necessary for reviewing the COI forms of nominees to the Bureau and IEC.

7. Experts in those other roles subject to the COI Policy will inform the Secretariat annually of any changes in the information provided in their previously submitted COI Form. The COI Committee will evaluate the revised information in accordance with the procedure for reviewing conflicts of interest issues prior to appointment.

Principles for Considering Conflict of Interest Issues

8. The COI Committee should consult the relevant individual where the body has concerns about a potential conflict of interest and/or where it requires clarification of any matters arising out of a COI Form and should ensure that the relevant individuals and, where appropriate the Panel member which nominated the relevant individual, have an opportunity to discuss any concerns about a potential conflict of interest.

9. Where the COI Committee has determined that an individual has a conflict of interest that cannot be resolved, the relevant individual may request the Panel Bureau to review the COI Committee's determination. The Panel Bureau will review the determination at the first session following the request. The individual will be bound by the determination of the COI Committee pending the outcome of the review.

10. When considering whether an individual has a conflict of interest, the COI Committee will, in consultation with the individual, explore options for resolving the conflict. Individuals might, for example, resolve a conflict of interest by divesting themselves of the particular financial or other interests which gave rise to the potential conflict or by recusing themselves from discussions or decision-making processes in respect of which they have a relevant conflict.

11. Members of the COI Committee may not consider cases involving themselves and will recuse themselves in the event that the Committee considers a potential conflict of interest concerning themselves.

Processing and Storage of Information

12. All COI Forms will be submitted to the Secretariat.

13. All COI Forms and any records of the deliberations and/or decisions of the COI Committee in relation to conflict of interest issues in respect of specific individuals and any information disclosed by individuals for the purposes of the COI Policy will be transferred to the Secretariat after they have been reviewed and will be securely archived by the Secretariat and retained for a period of five years after completion of their term or completion of the deliverable to which the relevant individual contributed, after which the information will be destroyed. Subject to the requirement to notify the existence of a conflict of interest to others under paragraph 6 above, the information referred to above will be considered confidential and will not be used for any purpose other than consideration of conflict-of-interest issues under these Implementation Procedures without the express consent of the individual providing the information.

The COI Committee

14. A Committee on Conflicts of Interest ("the COI Committee") will be established for the purpose of reviewing COI forms and determining whether those participating in the Panel and subject to the COI policy have conflicts of interest.

15. The COI Committee will comprise of six members from the Bureau and six members from the IEC and two additional members with appropriate legal expertise from [United Nations entity], appointed by that organization.

16. The COI Committee will elect a Chair at its first meeting.

17. The members of the COI Committee are expected to reach consensus. If, exceptionally on matters of particular urgency, consensus is not possible, the COI Committee Chair may take the final decision, having regard to the weight of opinion in the COI Committee. The Committee will decide upon its method of working and apply it on an interim basis until the Panel plenary agrees it.

18. The COI Committee should submit a report on its activities to the Panel plenary at least four weeks before each session. Issues of confidentiality will be addressed by the COI Committee as early as possible.

19. The COI Committee may meet by teleconference and conduct its work by electronic means. If a physical meeting is needed, it will be held before or after regular Bureau meetings.

Annex B

CONFLICT OF INTEREST DISCLOSURE FORM (“COI FORM”) FOR THE SCIENCE-POLICY PANEL

CONFIDENTIAL

NAME:

ADDRESS:

E-MAIL ADDRESS:

TELEPHONE:

CURRENT EMPLOYER:

FUNCTION/ROLE IN THE SCIENCE-POLICY PANEL:

NOTE: You have been invited to serve on the Science-Policy Panel (‘the Panel’) because of your professional standing and expertise. As outlined in the Panel Conflict of Interest Policy, the objective of the Panel demands that it pays special attention to issues of independence and potential bias in order to maintain the integrity of, and public confidence in, its deliverables and processes. It is essential that the work of the Panel is not compromised by any conflict of interest for those who execute it. In view of this, disclosure of certain circumstances is necessary to ensure that the work of the Panel is not compromised by conflicts of interest. In filling out this form, therefore, we rely on your professionalism, common sense, and honesty.

These arrangements and disclosure of interests are required as a matter of due diligence, to ensure appropriate assurance for the Panel in matters of conflict of interest, professional and scientific integrity, and to protect the Panel and participants from reputational risk.

This declaration of interests, and disclosure of conflicts of interest or potential conflicts of interest, is required under the Panel Conflict of Interest Policy and Implementation Procedures.

You should disclose interests that could:

- i) significantly impair your objectivity in carrying out your duties and responsibilities for the Panel
or
- ii) create an unfair advantage for you or any person or organization;
and which could result in your securing a direct and material gain through outcomes in a Panel process.

For the purposes of this policy, circumstances that could lead a reasonable person to question your objectivity, or whether an unfair advantage has been created, constitute a potential conflict of interest and should be disclosed in this form.

You must also declare any relevant interests of parties with whom you have current contractual relationships or substantial common interests and which could be perceived as unduly influencing,

or likely to unduly influence, your judgement (for example your employer(s), close professional associates, your administrative unit or department, sponsoring or funding entities).

A brief description of details should be provided in relation to any question below. You should aim to provide sufficient and explicit information to allow the Panel to form a view on whether the circumstances disclosed give rise to an actual or potential conflict of interest. If in doubt about whether an interest should be disclosed, individuals are encouraged to disclose that information.

Please sign and date this form on the last page and return the form to the Secretariat of the Panel with a Curriculum Vitae and information supporting these disclosures where applicable. Retain a copy for your records.

You must promptly inform the Panel Secretariat if there is any change in this information prior to or during the course of your work or meetings for the Panel. This form and the declarations contained therein must be completed before participation in the Panel activity can be confirmed.

Answering “Yes” to a question on this form does not necessarily mean that a conflict is present or that you will be unable to perform your designated function/role in the Panel. If in doubt about whether an interest should be disclosed, individuals are encouraged to disclose that information. This information will be assessed as a whole on the basis of the principles contained in the COI Policy (URL). In particular, what constitutes or not a COI is defined in paragraphs 12 to 18 of that document (reproduced below). If in doubt about whether an interest should be disclosed, individuals are encouraged to seek advice from the Panel Secretariat

Definition of “Conflict of Interest” (paragraphs 12 to 18 of the Panel COI Policy (URL)).

[to paste in paragraphs 12 to 18 of the Panel Conflict of Interest Policy]

1. APPOINTMENTS AND ACTIVITY

Do you hold any position or appointment, or any business or professional relationships (whether commercial or non-financial) with other bodies related to science on chemicals, waste and the prevention of pollution? **Yes No**

Details:

2. EMPLOYMENT AND CONSULTING

Do you receive any remuneration from a commercial entity or other organization with an interest related to the subject of the Panel work in which you are engaged?

Employment or consulting, including services as a technical or other adviser **Yes No**

Details:

3. RESEARCH SUPPORT

Do you receive financial support from any commercial entity or other organization with an interest related to the subject of the Panel work (for example a government agency)?

Research support, including grants, collaborations, sponsorships, other funding **Yes No**

Details:

Non-financial support valued collectively in excess of US\$10,000 per year (premises, equipment, facilities, assistants, paid travel, etc.) **Yes No**

Details:

Support, including honoraria, for being on a speakers' panel, giving speeches or training for a commercial entity or other organization with an interest related to the subject of the Panel work?

Yes No

Details:

4. INVESTMENT INTERESTS

Do you have investments in any commercial entity with an interest related to the subject of the Panel work? (Please also include indirect investments such as a trust or holding company. You may exclude mutual funds, pension funds or similar investments that are broadly diversified and over which you exercise no control.)

Stocks, bonds, stock options, other securities (e.g., short sales)

Yes No

Details:

Commercial business interests (e.g., ownership, partnerships, joint ventures, board memberships, controlling interests)

Yes No

Details:

5. INTELLECTUAL PROPERTY

Do you own any intellectual property rights that might be affected by the Panel work?

Patents, trademarks or commercial copyrights (including pending applications) **Yes No**

Details:

Proprietary knowledge in a technology or process being used for commercial purposes

Yes No

Details:

6. PUBLIC STATEMENTS AND POSITIONS

As part of a regulatory, legislative or judicial process, are you providing any expert opinion or testimony, related to the subject of the Panel work, for a commercial entity or other organization?

Yes No

Details:

7. NON-FINANCIAL INTERESTS

Are you engaged in any professional or other activities which outside parties could consider might represent or give rise to a conflict of interest, or the perception of a conflict of interest with regard to your Panel service?

Yes No

Details:

Are you involved in any:

- Official function in a government agency or international organization?

Yes No

Details:

- Advisory committee associated with a public or private sector organization? **Yes** **No**

Details:

- Senior editorial role or assignment? **Yes** **No**

Details:

Are you a:

- Board member of a public or private sector organization? **Yes** **No**

Details:

- Board member of a non-profit organization? **Yes** **No**

Details:

- Board member of an advocacy group? **Yes** **No**

Details:

8. FINANCIAL INTERESTS

Do you hold any financial interests in excess of US\$10,000 per year which outside parties could consider might represent or give rise to a conflict of interest, or the perception of a conflict of interest with regard to your Panel service? **Yes** **No**

Details:

9. ADDITIONAL INFORMATION

If not already disclosed above, are you aware of any aspect of your work for the Panel that will enable you to obtain access to proprietary information or create for you a competitive advantage in your professional, financial or business dealings? **Yes** **No**

Details:

To your knowledge, could the outcome of your work for the Panel adversely affect the interests of any other persons or entities with whom you have substantial common personal, professional, financial or business interests (such as your adult children or siblings, close professional colleagues, administrative unit or department)? **Yes** **No**

Details:

Which organisation is covering, partly or in full, your Panel-related travel costs?

Details:

Are you receiving any payments (other than for travel costs) or honoraria for speaking publicly on the subject of the Panel work in which you are engaged? **Yes** **No**

Details:

Is there any other aspect of your background or present circumstances not addressed above that you consider might be perceived as affecting your objectivity or independence? **Yes** **No**

Details:

REMINDER

“Yes” responses do not necessarily affect or prevent your participation in Panel activities. Answering “Yes” to a question on this form does not necessarily mean that a conflict is present or that you will be unable to perform your designated function/role in the Panel. If in doubt about whether an interest should be disclosed, individuals are encouraged to disclose that information.

DECLARATION

I hereby declare that the information in and accompanying this disclosure is true and complete to the best of my knowledge and belief. I declare that I have disclosed all associations required for disclosure under the Panel Conflict of Interest Policy; and that, except as declared, I do not consider that any of the associations present a conflict of interest.

Should there be any change to the above information and declaration, I will promptly notify the Panel Secretariat and complete a new declaration of interest form that describes the changes. This includes any change that occurs before or during my work with the Panel and through the period of my engagement up to finalization or publication of results, or completion of the activity concerned.

I understand that information about my interests will be held by the Panel for a period of five years after my term ends or the completion of the deliverable to which I contributed, after which the information will be destroyed. Subject to requirement to notify the existence of a conflict of interest to others under paragraph 7 of the Implementation Procedures, I understand that these forms will be considered confidential and will be reviewed in accordance with the COI Implementation Procedures.

I hereby declare that I will comply with the Panel COI Policy and the Implementation Procedures.

Name:

Signature:

Date:
