Terms of Reference

Online sales and marketing of skin-lightening products containing mercury

1. Organizational context

The World Health Organization (WHO) is undertaking a project on investigating the online sales of skin-lightening products containing mercury as part of a Global Environment Facility funded initiative to eliminate skin-lightening products containing mercury. The initiative is being conducted together with the Biodiversity Research Institute and the United Nations Environment Programme (UNEP) together with three countries Gabon, Jamaica and Sri Lanka where skin-lightening is known to be prevalent.

The World Health Assembly has long recognized the importance of addressing mercury and mercury compounds as a chemical of public health concern and adopted Resolution WHA67.11 (2014): Public health impacts of exposure to mercury and mercury compounds: the role of World Health Organization (WHO) and ministries of public health in the implementation of the Minamata Convention. The Resolution encourages Member States to take the necessary domestic measures to implement the Convention which sets out international legally binding measures to address the risks of mercury.

When the Minamata Convention on Mercury entered into force in 2017 it included specific provisions that prohibited the manufacture, import and export of cosmetics (with mercury content above 1ppm), including skin lightening soaps and creams by 2020. Eye area cosmetics where mercury is used as a preservative and where no effective and safe substitute preservatives are available were exempted from these provisions.

More recently at the Fifth Conference of the Parties of the Minamata Convention, a new provision was agreed that cosmetics including skin-lightening soaps and creams, that contained any amount of mercury and not including eye area cosmetics where mercury is used as a preservative and no effective and safe substitute preservatives are available, should be prohibited from manufacture, import or export by 2025.

Controlling the online sales and marketing of skin-lightening products containing mercury is one of the challenges faced when working to eliminate mercury in cosmetics.

The purpose of the present project is to contribute to existing knowledge about online sales and marketing of skin-lightening products in each of the three project countries by:

- identifying specific skin-lightening products available on the online marketplace operating in three countries Gabon, Jamaica and Sri Lanka, and assessing the information provided about each product;
- creating a better understanding of the magnitude and proportion of online sales of skin-lightening products how such products are made available through online marketplaces operating in the three countries;
- providing information on existing controls for online sales of therapeutics/pharmaceutical products, consumer products and/or chemical agents, identifying and addressing any loopholes in the way
online sales are regulated and products are allowed for sale in the global online marketplace and any specific online marketplaces operating in the countries;

- documenting success stories and evaluating replicable efforts from other countries that can benefit and potentially apply in project countries in their endeavours on controlling and regulating relevant online sales;
- developing methodologies that could be used to assess changes in online marketing practices, that could be tested in the overall evaluation of the project and my other countries interested in working to tighten regulation of online sales

The objectives of the project are consistent with the general provisions to reduce mercury exposure in the Minamata Convention on Mercury and relate specifically to the Convention’s Article 4 provisions disallowing the manufacture, import and export of cosmetics containing mercury. The deliverables from this project will contribute toward the completion of GEF 10810 Eliminating Mercury Skin Lightening Products project.

2. Background

Mercury-containing skin lightening products are hazardous to health and as a result have been banned or severely restricted in many countries. However even in countries where tight controls exist such products may be found being advertised and available to consumers via the Internet and other means.

Mercury can be eliminated from skin lightening products by working with health and environmental ministries and raising public awareness about the dangers to health from mercury. To stop the manufacture, import and export of skin lightening products in line with the Minamata Convention, regulatory actions by governments are needed –as well as major media, consumer and advocacy campaigns.

Dealing with online sales of hazardous products from one country to another is an emerging concern as consumers preferences for online shopping continue to grow, especially post the COVID19 pandemic. In the European Union, member states flag the dangers of certain hazardous products (including mercury SLPs) on the European market, and they are notified on the RAPEX “Safety Gate” (https://ec.europa.eu/safety-gate-alerts/screen/webReport). The online platforms that have signed the European Commission safety pledge have agreed not to allow and/or to remove those high mercury SLPs from their platforms within a set number of days. EU’s RAPEX and the online marketing developments would be relevant for consideration on their applicability in project countries.

3. Planned timelines (subject to confirmation)

Start date: 01/06/2023 End date: August 2025

The project will be carried out part-time over the period June 2024-August 2025 with a total expected number of working days of 120 days.

4. Requirements - Work to be performed

Objective 1: Contribute to establishing policies for national online platforms in each of the three project countries to restrict the sale of hazardous and illegal products.

Output 1.1: Conduct research and survey to identify the national online platforms known to sell SLPs in each of the project countries.

Output 1.2: Document existing national policies and activities for controlling internet sales of hazardous products in each country, taking into account any differences that exist for different types of products.

Output 1.3: Develop a methodology for estimating the amount of SLP (both total SLP and mercury containing SLP) sold online in each of the project countries to establish a baseline.
Objective 2: Information, tools and strategies for engaging E-commerce platforms in voluntarily implementing measures to prevent advertising, marketing, online sales offerings, and actual sales of mercury SLPs.

Output 2.1: Survey and review existing and planned national/global online platforms with voluntary product safety pledges and identify commonalities.

Output 2.2: Develop a proposal, that can be adapted to each of the project countries on establishing national voluntary agreements including through on mutual-sharing and collaborations with online platforms where suppliers are outside the jurisdiction of national legislation, as well as development of voluntary agreements between governments and online platforms.

Output 2.3: Provide technical support to project countries wishing to adapt the proposal to address online sales of Skin-lightening products.

Output 2.4: Draft a written guidance document on developing national standard operation procedures for “Product Safety Pledges” or similar applicable approaches in each of the three project countries and also in other countries interested in improving regulations or online sales of Skin-lightening products.

Objective 3: Engage with project executing and implementing agencies, and countries

Output 3.1: Participate in five stakeholders’ meetings i.e., Project steering Group, Project stakeholder group and national stakeholder meetings as applicable in each project country.

Output 3.2: Prepare and deliver virtual presentations on key findings and recommendations based on the undertaken research for discussion with the project executing agencies and national project countries as appropriate.

Output 3.3: Draft a technical guidance document (in English) on best practice approaches towards phasing out online sales of mercury-added cosmetics based on the project deliverables described above. Address any comments raised by stakeholders to its finalization.

Output 3.4: Provide measurement of online sales activity in each project country at outset of the project – midway and at the end.

5. Requirements – Planning

The indicative number of days shown below are for the information of potential responders to the call for expressions of interest. Shortlisted candidates will be invited to confirm the number of days expected to be spent on each activity as well as key milestones they envisage appropriate. For guidance, it is envisaged that

- Key research and surveys should be completed by October 2024 for discussion at the annual project steering group meeting in November 2024.
- An outline of the proposed technical guidance should be provided by March 2025.
- All project deliverables should be completed by August 2025.

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<tr>
<th>Outputs</th>
<th>Indicative number of days effort</th>
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<tr>
<td>Contribute to establishing policies for national online platforms in each of the three project countries to restrict the sale of hazardous and illegal products.</td>
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<td>Conduct research and survey to identify the national online platforms known to sell SLPs.</td>
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Document existing national policies and activities for controlling internet sales of hazardous products.  

Develop a methodology for estimating the amount of SLP sold online in each of the project countries to establish a baseline.  

Provide an analysis and recommendation report to guide on best practices managing online sales with case studies.  

**Information, tools and strategies for engaging E-commerce platforms in voluntarily implementing measures to prevent advertising, marketing, online sales offerings, and actual sales of mercury SLPs.**  

Survey and review existing and planned national online platforms with voluntary product safety pledges and identify commonalities.  

Advise on establishing the national voluntary agreements in the project countries through on mutual-sharing and collaborations with online platforms where suppliers are outside the jurisdiction of national legislation, as well as development of voluntary agreements between governments and online platforms.  

Provide guidance on developing national standard operation procedures for “Product Safety Pledges” or similar in each of the three countries.  

Engage with project stakeholder group  

Participate in four stakeholders’ meetings.  

Deliver virtual presentations on key findings and recommendations based on the undertaken research.  

Provide technical guidance document (in English) on best approaches towards phasing out online sales of mercury-added cosmetics. Address any comments raised by stakeholders to its finalization.  

Provide measurement of online sales activity at outset of the project – midway and at end.  

### 6. Activity Coordination & Reporting  

| Technical Officer: | Lesley Onyon  
|                  | Elena Jardan  
| Email:           | onyonl@who.int  
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| For the purpose of: | Technical supervision and instructions – Reporting  

| Administrative Officer: | Fady Homaidan  
| Email:                  | homaidanf@who.int  
| For the purpose of:     | Contractual and financial management of the contract  

### 7. Characteristics of the Provider  

- Demonstrated expertise in the regulation on hazardous products sold through online platforms.  
- Excellent analytical and interdisciplinary research skills.  
- Excellent written communication skills, with experience of providing written technical guidance that can be applied by countries at different stages of development.  
- Demonstrated experience in high level liaison at national level, together with track record of technical assistance at national level.  
- Excellent knowledge of the Minamata Convention, its context, objectives and implementation at the national, regional and global levels.
While the working language of the assignment will be in English, ability to communicate in French would be an advantage.

8. **Place of assignment**

**Off site**
Should travel be necessary it will be funded separately. It is expected that the work will be undertaken remotely included through remote platforms.