



**UNITED
NATIONS**

UNEP/PP/INC.2/5



**United Nations
Environment
Programme**

UNEP

Distr.: General

7 July 2023

Original: English

**Intergovernmental negotiating committee to develop
an international legally binding instrument on plastic
pollution, including in the marine environment**
Second session
Paris, 29 May–2 June 2023

Report of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, on the work of its second session*

I. Introduction

1. In resolution 5/14 of 2 March 2022 entitled “End plastic pollution: towards an international legally binding instrument”, the United Nations Environment Assembly of the United Nations Environment Programme requested the Executive Director of the United Nations Environment Programme (UNEP) to convene an intergovernmental negotiating committee to begin its work during the second half of 2022, with the ambition of completing that work by the end of 2024. The Environment Assembly also decided that the intergovernmental negotiating committee was to develop an international legally binding instrument on plastic pollution, including in the marine environment, which could include both binding and voluntary approaches, based on a comprehensive approach that addressed the full life cycle of plastic, taking into account, among other things, the principles of the Rio Declaration on Environment and Development, as well as national circumstances and capabilities, and including provisions described in the resolution.
2. Accordingly, the first session of the intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment, was held at the Punta del Este Convention and Exhibition Centre, Punta del Este, Uruguay, from 28 November to 2 December 2022.
3. The second session of the intergovernmental negotiating committee was held at the headquarters of the United Nations Educational, Scientific and Cultural Organization (UNESCO) in Paris, from 29 May to 2 June 2023.

II. Opening of the session

4. The second session of the intergovernmental negotiating committee was declared open by Ambassador Gustavo Meza Cuadra, Chair of the intergovernmental negotiating committee, at 10.45 a.m. on Monday, 29 May 2023.
5. In his opening remarks, he said that it was only through swift, decisive and collective action that plastic pollution, which knew no boundaries, could be tackled. A successful international legally binding instrument on plastic pollution, including in the marine environment, would consider the whole life cycle of plastics, ensuring sustainable production and consumption and addressing the issue

* The present report has not been formally edited.

of legacy plastics, and above all, it would be implementable. He called on all participants to engage in the current session with the same spirit of cooperation that had led to the adoption of resolution 5/14 at the fifth session of the United Nations Environment Assembly, and to focus on the shared objective of putting an end to plastic pollution in order to protect human health and the environment. He was committed, in his role as Chair, to continue working towards an inclusive, consensus-based process that reflected the needs and views of all stakeholders and that would result in an ambitious, fair and effective instrument to tackle one of the most significant challenges currently facing the world.

6. Opening statements were delivered by Emmanuel Macron, President of the Republic of France (by pre-recorded video); Inger Andersen, Executive Director of UNEP; and Jyoti Mathur-Filipp, Executive Secretary of the intergovernmental negotiating committee.

7. Mr. Macron characterized plastic pollution as a global scourge affecting every corner of the planet, with its consequences for climate change, biodiversity and human health only beginning to be understood. Countries had a duty to put an end to plastic pollution as quickly as possible. It was, however, a huge undertaking, requiring immediate and resolute action and, in particular, a radical change in all modes of consumption and production.

8. Many countries were already taking national action, but to manage plastic over its entire life cycle an international framework was needed. Producing countries had to put an end to the unsustainable model that consisted of generating plastic and then exporting it as waste to developing countries that were less well-equipped with waste treatment systems. Innovation was also needed, to develop new value chains that would compensate for the disappearance of the plastic. Moreover, ending plastic pollution would surely create value, in that sorting, recycling and reuse would develop into economic activities that created jobs and wealth.

9. Thus, the legally binding international treaty should permit progress on key objectives: reducing new plastic production and banning the most polluting and hazardous products as soon as possible; setting precise targets for recycling; creating the means to innovate faster, including through stronger regulation and incentives for the private sector to move from a linear to a circular economy; and sharing solutions and technologies more effectively, to ensure solidarity with the poorest countries. Along with the recently agreed Kunming-Montreal Global Biodiversity Framework and international legally binding instrument under the United Nations Convention on the Law of the Sea on the conservation and sustainable use of marine biological diversity of areas beyond national jurisdiction, such a treaty would help lay the foundation of a new international environmental legal framework that would enable member States to build a fairer globalization that protected nature and encouraged the kind of innovation that helped rather than hurt the planet.

10. In her remarks, Ms. Andersen recalled that the linear plastics economy was contributing significantly to the crisis of pollution and waste and disproportionately affecting the poorest nations and communities. Rather than relying on recycling, it was time for the tap on plastics to be turned off, and that could only be achieved through a full transformation of the market that would reduce society's dependence on plastic, create new jobs along the supply chain, and bring justice to vulnerable communities. The legally binding instrument being negotiated therefore needed to be broad: it had to take account of scientific and stakeholder input and learn from other multilateral environmental agreements while also being innovative, and it had to ensure financial and technical assistance for developing countries. The focus of the negotiations should therefore be redesign, of products themselves and of product packaging, to come up with systems and products that prioritized reuse and recyclability, and broader systems to ensure justice, in particular in the job market, and to guarantee the right to a clean, healthy and sustainable environment for those currently working in the informal waste economy. Such an approach, founded on creativity and backed by policy and regulatory change, could virtually eliminate plastic pollution by 2040, reduce the pressure on recycling and waste management systems, and provide huge savings for the private and the public sectors, including through reduced social, environmental and human health costs. Legacy pollution could also be controlled through a coordinated effort to stop pollution at source, as well as an investment in waste management and consumption patterns.

11. She therefore called on member States to lead by example and to champion key solutions, stressing that the full engagement of all stakeholders, including the informal sector, indigenous peoples, local communities, civil society, academia and youth, was vital for success. She also urged the private sector to start transforming the plastics industry immediately rather than waiting for negotiations to conclude, as such innovation could only bring positive results.

12. Ms. Mathur-Filipp began by welcoming the participants to the second session of the intergovernmental negotiating committee and thanking the Government of France for hosting the session. She thanked those who had contributed to making the session possible, including the

governments of Canada, Denmark, Finland, France, Germany, Ireland, Japan, Monaco, the Kingdom of the Netherlands, Norway, Portugal, Spain, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland and the United States of America, as well as the European Commission, for their financial support, the Chair and the regional nominees for their advice and guidance, and colleagues from UNEP and other secretariats for their support and input. She expressed the hope that substance rather than process would be the focus of the second session and that the discussions would lead to a clearer picture of the future instrument, and possibly even to a mandate for a zero draft. With the growing need to address plastic pollution and the world's eyes once again on the intergovernmental negotiations, she urged member States to "make Paris count" in order to deliver a global treaty on plastics without delay.

III. Election of officers

13. In introducing the item at the first plenary meeting of the session on 29 May, the Chair recalled that at its first session, the intergovernmental negotiating committee had agreed to defer the election of vice-chairs and the designation of a rapporteur until its second session to allow for further consultations on the matter. He then proposed that the committee proceed to the election of vice-chairs. The nominated candidates were:

- (a) For the two seats for the African States: Juliet Kabera (Rwanda) and Cheikh Ndiaye Sylla (Senegal);
- (b) For the two seats for the Asia-Pacific States: Hiroshi Ono (Japan) and Mohammad Al-Khashashneh (Jordan);
- (c) For the two seats for the Eastern European States: Irma Gurguliani (Georgia), Kaupo Heinma (Estonia) and Vladimir Lenev (Russian Federation);
- (d) For the one remaining seat for the Latin American and the Caribbean States, Luis Vayas Valdivieso (Ecuador);
- (e) For the two seats for the Western European and other States, Johanna Lissinger-Peitz (Sweden) and Larke Williams (United States of America);
- (f) For the one seat for the Small Island Developing States, Asha Challenger (Antigua and Barbuda).

14. The Chair informed the committee that with respect to the nominated candidates for the Eastern European States, the secretariat had received a note verbale from the Embassy of Ukraine in Nairobi, dated 25 May 2023, indicating that the Government of Ukraine had withdrawn its nomination of Roman Filonenko in favour of Irma Gurguliani of Georgia. Nevertheless, as there remained more candidates than the number of seats to be filled, an election by secret ballot would be held to elect the vice-chairs from the Eastern European States.

15. The Chair also informed the committee that the secretariat had received a communication from a member State objecting to the two candidates from the Western European and other States. Consequently, the committee would also hold a secret ballot for the election of the vice-chairs from the Western European and other States.

16. In the ensuing discussion, one representative recalled that, as no consensus had previously been reached on the candidates to be nominated by the group of Eastern European States, and in the absence of formal rules of procedure for the group, a fully transparent process involving a roll-call vote had been held during a meeting of the group in Nairobi. The result of the vote had been in favour of the candidates from Estonia and Georgia. The Government of Ukraine recalled that in a spirit of compromise, his country had withdrawn its candidate in favour of the candidate from Georgia, and encouraged members to vote for the candidates from Estonia and Georgia.

17. One representative raised a point of order, noting that, as the current session was part of an independent process, any discussions held regarding that process within the group of Eastern European States under the separate process of the Committee of Permanent Representatives of UNEP were irrelevant. He therefore urged members to disregard the results of any votes taken at such meetings in this respect. He underlined that members should vote for candidates solely on the basis of their expertise, thereby avoiding any politicization of the process. He further noted that no meetings of the group of Eastern European States had been held during the current session of the committee and that, as regional groups did not have rules of procedure, decisions should be consensus-based.

18. In response, another representative noted that the group of Eastern European States had been requested by members at the first session of the committee to hold consultations regarding the

nominations for vice-chairs. Those consultations had duly been held during a meeting of the group in Nairobi, so the discussions were relevant to the current process.

19. Another representative noted with regret that one member had departed from the long-established practice of accepting unanimous nominations put forward by a regional group, thereby undermining the spirit of multilateralism and detracting from the discussion of substantive issues. Another representative, acknowledging that his country had opposed the election of the two candidates from the group of Western European and other States, said that it had done so on the basis of the principle of reciprocity, as members of that group had previously expressed their intention to oppose the election of any candidates from his country in the multilateral environmental processes. He noted that the group of Western European and other States had previously regularly opposed the election of candidates from one member State of the group of Asia-Pacific States but that those actions had never been challenged.

20. One representative said that his country did not fully support, but would not oppose, the nominations from the group of African States, but that he wished to raise a concern regarding the transparency of the process within the group; whereas another representative expressed the view that the nomination process within the group had been fully transparent.

21. The committee elected the following Vice-Chairs by acclamation:

Mohammad Al-Khashashneh (Jordan)

Asha Challenger (Antigua and Barbuda)

Juliet Kabera (Rwanda)

Hiroshi Ono (Japan)

Cheikh Ndiaye Sylla (Senegal)

Luis Vayas Valdivieso (Ecuador)

22. The Chair then drew the attention of the committee to the election process for the vice-chairs from the Eastern European States, which would be held by secret ballot, in accordance with rules 45 and 47 of the draft rules of procedure of the committee that apply to the committee's work on a provisional basis.

23. The principal legal officer of UNEP clarified that the term "member" in relation to voting rights referred to the 193 States members of the United Nations, as well as the members of the specialized agencies of the United Nations, namely the Cook Islands, the Holy See, Niue and the State of Palestine. He further observed that the European Union, as a regional economic integration organization, had notified its intention not to participate in the vote.

24. Several representatives, drawing attention to rule 38 of the draft rules of procedure that applied to the committee's work on a provisional basis, stated their understanding that voting would only be used on an exceptional basis for this election and that the proposed vote on a procedural matter would in no way set a precedent for the voting to be used on substantive issues.

25. The Chair stated his strong commitment to adopting decisions by consensus and his intention to make every effort to ensure that this was done. He underscored that the committee found itself in exceptional circumstances in terms of the election of the vice-chairs.

26. In response to a request for clarification, the Chair recalled that it had been agreed at the first session of the committee that the draft rules of procedure, with the exception of any text that remained in brackets, would be applied on a provisional basis to all of the committee's work.

27. The committee decided to proceed to the election of the vice-chairs from the group of Eastern European States by secret ballot, in accordance with rules 45 and 47 of the draft rules of procedure of the committee.

28. At the invitation of the Chair, Nelson Linhares (Brazil), Danny Rahdiansyah (Indonesia), Tiare Marumatakimanu (Samoa) and Marcelo Cousillas (Uruguay) acted as tellers.

29. Subsequently, the Chair reported the results as follows:

Number of ballot papers:	159
Invalid ballots:	1
Number of valid ballots:	158
Abstentions:	17

Number of members voting:	141
Required majority:	71
Number of votes obtained:	
Irma Gurguliani (Georgia)	111
Kaupo Heinma (Estonia)	104
Vladimir Lenev (Russian Federation)	51

30. Having obtained the required majority, Kaupo Heinma (Estonia) and Irma Gurguliani (Georgia) were elected as Vice-Chairs of the committee.

31. The committee then decided to proceed to the election of the vice-chairs from the group of Western European and other States, by secret ballot, in accordance with rules 45 and 47 of the draft rules of procedure of the committee.

32. At the invitation of the Chair, Nelson Linhares (Brazil), Danny Rahdiansyah (Indonesia), Tiare Marumatakimanu (Samoa) and Marcelo Cousillas (Uruguay) acted as tellers.

33. Subsequently, the Chair reported the results as follows:

Number of ballot papers:	149
Invalid ballots:	0
Number of valid ballots:	149
Abstentions:	21
Number of members voting:	128
Required majority:	65
Number of votes obtained:	
Johanna Lissinger-Peitz (Sweden)	119
Larke Williams (United States of America)	116

34. Having obtained the required majority, Johanna Lissinger-Peitz (Sweden) and Larke Williams (United States of America) were elected as Vice-Chairs of the committee.

35. The committee designated Asha Challenger of Antigua and Barbuda as Rapporteur of the intergovernmental committee.

IV. Organizational matters

A. Adoption of the rules of procedure

36. At the second plenary meeting, the Chair, introducing the sub-item, recalled that in accordance with the decision of the intergovernmental negotiating committee at its first session, the draft rules of procedure, as set out in document UNEP/PP/INC.2/3, would apply to its work provisionally until their adoption, and that the adoption of the draft rules would be deferred until the committee's second session to allow more time for consultations. The Chair informed the committee that he had held consultations in the intersessional period to resolve the bracketed text in rule 37 with a view to adopting the draft rules of procedure as soon as possible. Based on those consultations, it was apparent that further consultations would be needed on the bracketed text in question. The draft rules of procedure would therefore continue to be applied on a provisional basis until their adoption, as agreed by the committee at its first session. The Chair proposed to pursue his consultations with delegations on the matter and to update the plenary on the progress of those consultations over the course of the week.

37. One representative said that as the committee had not discussed any of the draft rules of procedure at its first session, all the rules still needed to be considered by the committee, and asked for confirmation that the consultations would therefore cover all the draft rules, not only rule 37. Another representative reiterated a request that his delegation had made at the first session of the intergovernmental negotiating committee for brackets to be put around draft rule 38, paragraph 1.

38. In response to those comments, the Chair recalled that the Committee agreed at its first session that the draft rules of procedure were being applied on a provisional basis except for the bracketed text in rule 37, as indicated by the brackets within that rule, and reiterated his proposal to engage in consultations on the outstanding issue of rule 37 during the week.

39. A third representative questioned the logic of “provisional” application of the draft rules of procedure and called for rule 1 to be put in brackets, as it contradicted rule 37 and would create confusion.
40. At the invitation of the Chair, the principal legal officer of UNEP confirmed that the intergovernmental negotiating committee had agreed to function on the basis of the draft rules of procedure that applied on a provisional basis, except for the bracketed text in rule 37, until such time as the committee was in a position to adopt its rules, and that the rules therefore had legal effect. He also provided examples of other instances in the United Nations where rules or draft rules of procedure had been applied provisionally.
41. A lengthy discussion ensued.
42. Many representatives were of the view that the draft rules of procedure had not been agreed and should not be applied to negotiations for decision-making on substantive matters. A number of them underscored the importance of consensus in decision-making, and generally voiced support for putting brackets around rule 38, paragraph 1, or at least the second sentence of that paragraph. One, objecting to the holding of consultations by the Chair, said that the committee should reach consensus on the draft rules of procedure and called for the establishment of a contact group for that purpose.
43. Several representatives supported the view that the committee should adopt the draft rules of procedure before starting its discussions on substantive matters.
44. Many other representatives, including one speaking on behalf of a group of countries, while also stressing the importance of striving for consensus, disagreed with putting rule 38 in brackets and recalled that the draft rules of procedure were being applied on a provisional basis to the work of the committee. One said that being able to vote as a last resort was often helpful in achieving consensus, and would help the committee to work constructively and achieve a meaningful outcome. Another representative recalled that the ad hoc open-ended working group to prepare for the work of the intergovernmental negotiating committee had agreed on the draft rules of procedure, with brackets within rule 37, and said that adding brackets around other rules would be a step backward at a time when the committee should be moving forward on substantive issues.
45. Many representatives, including one speaking on behalf of a group of countries, pointed out that since the committee had agreed at its first session to apply the draft rules of procedure provisionally, those rules should apply. They expressed support for the Chair’s proposed way forward to resolve the outstanding issue of rule 37 and were willing to engage in informal consultations on the matter.
46. One representative noted that the decision to apply the draft rules of procedure on a provisional basis with the exception of the bracketed text in rule 37 had been taken by consensus, and said that it was unclear why it was now being called into question. Another representative responded that there had been dissenting views at the time on rule 38 as well as rule 37, and that rule 38 should therefore also be in brackets.
47. Subsequently, during the resumed discussion on the matter at the third plenary meeting, several representatives indicated that they would be willing to engage in discussions on the rules of procedure, including in the context of a special contact group, while others said that establishing such a contact group was essential in order to agree on draft rules of procedure before taking up substantive matters.
48. Following those interventions, the Chair proposed that open-ended consultations, co-facilitated by Hiroshi Ono (Japan) and Marcelo J. Cousillas (Uruguay), should be held on rule 37 as well as rule 38, paragraph 1, of the draft rules of procedure.
49. Several representatives then took the floor to ask once again for rule 38 to be bracketed, and another lengthy discussion ensued, during which a series of representatives, including one speaking on behalf of a group of countries, referred to the limited time available for discussion on substantive matters.
50. At the invitation of the Chair, the principal legal officer of UNEP then intervened to address some of the queries regarding the addition of new brackets to the draft rules of procedure. He specified that during negotiations on draft texts, such as contact groups or informal discussions, comments were often invited on the text, at which stage certain elements might be put in brackets. In the case of the draft rules of procedure, however, the committee had already taken action on the draft and had agreed on a consensual basis to apply, on a provisional basis, the text of the draft rules that had been formally presented to it, which constituted a decision of the committee on that document (UNEP/PP/INC.2/3).

The document could therefore not be changed except pursuant to a decision of the committee in a plenary meeting.

51. Many representatives, including several speaking on behalf of a group of countries, expressed support for the Chair's proposed way forward, including a considerable number who specified that they were agreeing to discussions on rule 38 in a spirit of compromise, on the understanding that there were no brackets on any part of that rule as it stood. One representative continued to insist that rule 38 should not be reopened.

52. The committee agreed to the Chair's proposal to hold open-ended consultations on rule 37 and rule 38, paragraph 1, of the draft rules of procedure.

53. At the fourth plenary meeting, reporting back on the open-ended consultations, the co-facilitators said that, given the limited time available, the discussion had focused on rule 38, paragraph 1, with the goal of identifying possible ways forward. The discussion had produced seven options that were set out in a non-paper posted on the web page for the session. The options essentially consisted of either leaving paragraph 1 of rule 38 as it was, putting all or part of it in brackets, or specifying issues to which it would not apply and on which consensus would be required. Given the progress made, the co-facilitators indicated their willingness to continue the consultations.

54. The Chair therefore proposed that the consultations resume at a convenient time the following day, and that in the meantime the committee take up agenda item 4 in order to begin its substantive discussions on potential options for elements of the legally binding instrument.

55. Several representatives again raised concerns regarding rule 38 and its application to the committee's work, and indicated their desire to see the rule bracketed before moving forward. One added that the divergence of views on rule 38 remained enormous, and the issue was a test of the spirit of cooperation within the committee and the seriousness of the negotiations. If decisions could be made by a simple majority on substance, many members would hesitate to participate actively owing to the risk of their views and concerns being ignored.

56. Another representative requested a short break to allow informal discussions to take place, and the committee agreed to briefly suspend the meeting.

57. Following the informal discussions, one representative requested that a group be convened following the plenary meeting to continue the open-ended informal consultations. She further requested that when the committee took up agenda item 4, ideally at the next plenary meeting, only regional and observer statements be made during plenary, with national statements submitted and posted on the web page for the session, in order to allow as much time as possible for discussion of substantive matters.

58. Another representative expressed strong support for the proposal.

59. The committee agreed to adjourn the plenary meeting and decided that informal consultations be held on rule 38, paragraph 1, of the draft rules of procedure.

60. At the fifth plenary meeting of the session, a representative reported that the informal consultations had culminated in agreement on an interpretive statement regarding paragraph 1 of rule 38 of the draft rules of procedure.

61. Accordingly, the intergovernmental negotiating committee decided to adopt the following interpretive statement:

The intergovernmental negotiating committee understands that, based on discussions on the draft rules of procedure for the intergovernmental negotiating committee, there are differing views among intergovernmental negotiating committee members on rule 38, paragraph 1, and its reflection in the report of the intergovernmental negotiating committee on the work of its first session. Therefore, the provisional application of rule 38, paragraph 1, of the draft rules of procedure has been a subject of debate. In the event that rule 38, paragraph 1, is invoked before the rules are formally adopted, members will recall this lack of agreement.

62. Following the adoption of the interpretive text, one representative urged all members to finalize rule 37 and rule 38, paragraph 1, and to adopt the draft rules of procedure before an occasion arose to invoke the provisional applications of the draft rules of procedure, especially rule 38, paragraph 1.

63. Before the conclusion of the consideration of the item by the committee, the Chair recalled that the draft rules of procedure would continue to apply provisionally to the work of the committee, as decided at its first session.

B. Adoption of the agenda

64. At its first plenary meeting, the intergovernmental negotiating committee adopted the following agenda for its second session on the basis of the provisional agenda (UNEP/PP/INC.2/1):

1. Opening of the session.
2. Election of officers.
3. Organizational matters:
 - (a) Adoption of the rules of procedure;
 - (b) Adoption of the agenda;
 - (c) Organization of work;
 - (d) Dates and venues of subsequent sessions of the intergovernmental negotiating committee;
 - (e) Provisional agenda of the third session.
4. Preparation of an international legally binding instrument on plastic pollution, including in the marine environment.
5. Other matters.
6. Adoption of the report of the session.
7. Closure of the session.

C. Organization of work

65. At the fifth plenary meeting of the session, the intergovernmental negotiating committee agreed to organize its work as set out in the scenario note for the session (UNEP/PP/INC.2/2) and the proposed programme available on the website for the session, and as further outlined by the Chair.

D. Dates and venues of subsequent sessions of the intergovernmental negotiating committee

66. At the eighth plenary meeting, the Chair recalled that at its first session, the committee had taken note of offers received from the Government of Kenya to host the third session at the headquarters of UNEP in November 2023; from the Government of Canada to host the fourth session in April or May 2024; and from the Government of the Republic of Korea to host the fifth session in October or November 2024. The committee had also acknowledged offers from the Governments of Ecuador, Peru, Rwanda and Senegal, to host the diplomatic conference of plenipotentiaries in mid-2025. He further recalled that host countries had an obligation, pursuant to a host country agreement, to issue visas for meeting participants from all States and that if a country were not in a position to meet its obligations under a host country agreement, including with respect to the issuance of visas, the Executive Director of UNEP would convene the session of the intergovernmental negotiating committee in Nairobi, at the seat of the intergovernmental negotiating committee secretariat. He also noted that all subsequent sessions of the committee would be held in person.

67. Following a statement by the representative of Kenya reiterating his Government's offer to host the third session, the intergovernmental negotiating committee decided to hold its third session in Nairobi in November 2023.

68. Following a statement by the representative of Canada outlining her Government's offer to host the fourth session in Ottawa in April 2024, a number of representatives welcomed the offer from the Government of Canada but others raised concerns regarding possible difficulties in obtaining visas to attend the session. Addressing the concerns, the representative of Canada said that her country would build on the lessons learned from previous meetings and provide support where required to facilitate the visa application process for delegates, to ensure timely issuance of visas and a fully inclusive and participatory meeting. The Executive Secretary added that the secretariat would work closely with all host countries to ensure that the obligations in the host country agreement were met for all visa applications submitted in a timely manner.

69. The intergovernmental negotiating committee decided to hold its fourth session in Ottawa in April 2024.

70. Following a statement by the representative of the Republic of Korea reiterating her Government's offer to host the fifth session of the committee, the intergovernmental negotiating committee decided to hold its fifth session in the Republic of Korea, in the second half of 2024, with the precise date and venue to be communicated by the host country at a later date.

E. Provisional agenda of the third session

71. At the eighth plenary meeting, the Chair drew attention to a draft provisional agenda for the committee's third session that had been circulated by the secretariat in document UNEP/PP/INC.2/L.2.

72. The intergovernmental negotiating committee agreed to forward the draft provisional agenda for adoption at its third session.

F. Attendance

73. Representatives of the following States attended the session: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cabo Verde, Cambodia, Cameroon, Canada, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechia, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Eswatini, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea Bissau, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lesotho, Liberia, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Micronesia (Federal States of), Monaco, Mongolia, Montenegro, Morocco, Mozambique, Nauru, Nepal, Netherlands (Kingdom of the), New Zealand, Niger, Nigeria, Niue, North Macedonia, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, State of Palestine, Suriname, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Türkiye, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe,

74. Representatives of the European Union also attended the session.

75. The following intergovernmental organizations and other entities were represented as observers: Asian Development Bank, Central America Commission of Environment and Development, Economic Community of West African States, Gas Exporting Countries Forum, International Chamber of Commerce, International Network for Bamboo and Rattan (Inbar), International Tribunal for the Law of the Sea, International Union for Conservation of Nature and Natural Resources, Organization for Economic Cooperation and Development, Organization of the Petroleum Exporting Countries, Secretariat of the Pacific Regional Environment Programme, Union for the Mediterranean.

76. The following United Nations bodies, secretariat units and convention secretariats were represented as observers: Food and Agriculture Organization of the United Nations (FAO), International Atomic Energy Agency (IAEA), International Labour Organization (ILO), International Maritime Organization (IMO), United Nations Industrial Development Organization (UNIDO), World Bank, World Health Organization (WHO), World Trade Organization (WTO).

77. A total of 343 non-governmental organizations were also represented as observers. A number of other organizations were represented as observers. The list of participants is available in document UNEP/PP/INC.2/INF/11.

V. Preparation of an international legally binding instrument on plastic pollution, including in the marine environment

78. At the fifth plenary meeting of the session, the representative of the secretariat drew attention to document UNEP/PP/INC.2/4, which in its annex set out a document, prepared by the secretariat, on potential options for elements towards an international legally binding instrument. She recalled that, at

its first session, the intergovernmental negotiating committee had requested the secretariat to prepare such a document, in consultation with the Chair. As called for by Environment Assembly resolution 5/14, the potential options set out in the document were based on a comprehensive approach addressing the full life cycle of plastics, including identifying the objective; substantive provisions, including core obligations, control measures and voluntary approaches; implementation measures; and means of implementation. The options document also included both legally binding and voluntary measures. It drew on the views expressed during the first session of the committee, as well as a total of 67 written submissions received following that session, representing the views of 119 countries. She briefly outlined the information set out in the document while noting that it was intended to facilitate the committee's work without in any way prejudging what the committee might decide regarding the structure and provisions of the future instrument.

A. General statements

79. At the fifth and sixth plenary meetings of the session, the intergovernmental negotiating committee heard general statements by representatives of regional groups, other groups of countries, members and observers, including intergovernmental organizations and non-governmental organizations.

80. The representative of Ghana, speaking on behalf of the African States, said that the objective of the instrument should be to end plastic pollution and protect human health and the environment, taking into account the One Health approach. The scope should cover the entire lifecycle of plastics, including legacy plastics, in an inclusive approach based on the principles of the Rio Declaration on Environment and Development. In terms of governance structure, the instrument should include provisions to promote sustainable production and consumption of plastics, including enhanced innovation for alternatives, improved product design and environmentally sound waste management, all based on the principles and practices of circularity. The governance structure should promote reduced production and use of plastics and efficient management of plastic waste. The instrument should provide for the introduction of globally determined design standards and improved mitigative activities to further reduce losses of secondary microplastics into the environment. Means of implementation should include financial mechanisms, capacity-building, technology transfer and a robust monitoring and evaluation regime. The financial mechanism should be one or more dedicated plastics multilateral funds that took into consideration the special circumstances of developing countries and countries with economies in transition, particularly small island developing States, with mechanisms to ensure transparency in accessing funds, including grants and concessionary loans. Innovative approaches to finance should be explored at all levels, including private sector participation. Capacity-building should be provided through country-driven programmes that promoted the development, transfer and dissemination of environmentally sound technologies and best practices and strengthened the technical, institutional and human-resource capacity of all countries.

81. The representative of the Philippines, speaking on behalf of the Asia-Pacific States, said that the various ways of tackling plastic pollution included recycling and environmentally sound waste management; sustainable consumption and production; reducing the amount of plastic already in the environment; and addressing the use of additives in plastics in an appropriate manner. The objectives for the instrument should be realistic and allow for innovative approaches and varying national circumstances and capabilities, with the overarching goal of ending plastic pollution through nationally determined actions. Adequate financial, technical and technological assistance and capacity-building were required to achieve the objectives, as well as outreach to tackle ineffective management of plastic waste and raise public awareness of plastic pollution, thereby encouraging behavioural change. The needed life-cycle approach to plastic pollution should include innovative solutions, application of traditional and local knowledge and a transition to a circular and sustainable plastics economy that supported a fair and just transition, while also acknowledging that plastics had a positive role to play in society. It was important for the formulation of the instrument to be informed by the latest technical and scientific knowledge and best practices, including in the area of recycling technologies, and to involve relevant stakeholders, including producers, scientists, the informal sector and civil society, while respecting the State-driven nature of the negotiations. In terms of the core obligations in the instrument, the committee should distinguish between binding and voluntary obligations, including in relation to national action plans. The instrument should also achieve net environmental benefit, avoid inadvertent harm and be socially inclusive and fully integrated with the Sustainable Development Goals.

82. Speaking on behalf of the Coordinating Body on the Seas of East Asia (COBSEA), the representative of Malaysia stressed the urgency of addressing plastic pollution at the global level, including in the marine environment, with a focus on countries' capacity to implement a global

agreement. Enhancing waste management practices was key. The problem was a complex one, and required the leveraging of existing mechanisms to support countries in achieving global goals against a backdrop of regional frameworks and national priorities. The COBSEA mechanism could be used to that end. There was plenty of potential and willingness to act, and already, many COBSEA countries had adopted national strategies on marine litter and waste management and were piloting solutions. At the same time, the East Asia region was extremely diverse and solutions within a global framework needed to be affordable and accessible, hence practical and scalable actions that delivered real impact on the ground should be prioritized. Regional priorities included a full life-cycle approach; safe, sustainable and economically viable alternatives and substitutes; reasonable transition timelines; alignment of reporting processes across frameworks and mechanisms to promote transparency and ease of reporting; and harmonization of monitoring and assessment. The majority of COBSEA countries were developing nations and would require appropriate technical and financial assistance. Countries with limited resources would require capacity support to participate meaningfully in the intergovernmental negotiating process and thereby enhance the inclusiveness of any agreement reached. COBSEA member States were supportive of the process and committed to working towards a clear, focused and pragmatic agreement.

83. The representative of the European Union said that the options paper was comprehensive and balanced, reflected the contributions of stakeholders and provided a good starting point for the negotiations ahead. All the elements of the paper were equally relevant for the future agreement, and should be treated as such in the discussions. Countries and stakeholders should be able to express their preferences or concerns without going into specifics. The goal of concluding the negotiations by the end of 2024 was ambitious, and the European Union supported the suggestion in the scenario note that a mandate for the zero draft text be agreed upon in Paris for consideration at the committee's third session. The contact groups therefore needed to be used to find convergence and deepen the understanding of how the different provisions could best contribute to the objective of the agreement, and technical intersessional work would be central to the success of the negotiations.

84. The representative of Mauritius, speaking on behalf of the High Ambition Coalition to End Plastic Pollution, called for the instrument to include several binding provisions, including to reduce the production and consumption of primary plastic polymers to sustainable levels. Taking into account the precautionary principle and the impact on circularity, unnecessary, avoidable and problematic plastics, as well as plastic polymers, chemical constituents and plastic products with adverse effects on the environment and human health, should be restricted, if not eliminated. A safe, circular economy for plastics was required, with set criteria for the plastic products that could be manufactured, imported, exported and sold. Accountability should be ensured, through reporting and transparency in production quantities; material, chemical and product composition; and traceability and labelling across plastic value chains. Plastic waste should be prevented wherever possible, and when not preventable should be managed in an environmentally sound and safe manner. The release of plastics, including microplastics, into air and water and onto land should be prevented, and measures should be provided to address particularly problematic sources of plastic pollution, including by building on the provisions of other international instruments. Finally, means of implementation should be mobilized from all relevant sources to deliver action on the ground. States should commit to targets in key areas such as reduction, reparability, environmentally sound and safe recyclability and reuse, refill systems and the use of recycled content. Given the disproportionate negative socioeconomic and environmental consequences of plastic pollution for developing countries, remediation was also important, to be undertaken in an environmentally sound manner, in accordance with scientific and evidence-based social, economic and environmental impact assessments and national circumstances, using the best available techniques and environmental practices to avoid exacerbating environmental harm.

85. Delivering a statement on behalf of the Latin American and Caribbean States, the representative of Costa Rica (f) said that immediate aim was to agree on a mandate for the development of a zero draft to be considered at the committee's third session, as well as for participatory, inclusive and gender-balanced intersessional work. The instrument to be developed should address plastic pollution through actions across the full life cycle of plastics, including to prevent and reduce plastic pollution at its source and tackle existing plastic pollution. It should include measures to ensure sustainable production and consumption patterns; increased transparency, including through traceability mechanisms; assessment of the use of safe and environmentally sound substitutes and alternative materials and technologies; and implementation of sustainable waste management and remediation strategies. Therefore, measures governing the regulation of extended producer responsibility, and restrictions as appropriate, should also be part of a comprehensive package of solutions. The committee should develop precise criteria for identifying additives, plastic polymers and plastic products that negatively impacted human health and the environment, while promoting safe circularity and design that allowed sustainable recycling and reuse. It was also

important to raise public awareness and foster behavioural change. The means of implementation should include robust financing mechanisms, technical assistance programs and technology transfer schemes to effectively support developing countries, including landlocked developing countries and small island developing States. Implementation measures should be on par with the ambition of the instrument: national action plans and periodic monitoring and evaluation were decisive for the success of the instrument, including in terms of identifying gaps in means of implementation.

86. The representative of Palau (f), speaking on behalf of Pacific small island developing States, called for an instrument that included robust measures to prevent and tackle plastic pollution in the marine environment in particular, consistent with Environment Assembly resolution 5/14. Recycling alone was not sufficient to tackle plastic pollution and so the global production, use and discharge of plastics across their entire life cycle should be reduced, including through the promotion of a safe, circular economy, and the banning of problematic plastics and chemicals of concern should be considered, with the overall aim of ending plastic pollution by 2040. It was vital that the special circumstances of small island developing States were taken into account during the formulation of the instrument, as those States were especially vulnerable to global environmental challenges and external economic shocks, given their small size, remoteness, and narrow resource and export base.

87. The representative of Samoa (f), speaking on behalf of the small island developing States, called for immediate action, preferably a ban, on particularly harmful, problematic and unnecessary polymers, chemicals, additives and products, which would be identified in annexes to the instrument. The committee should decide on the categories for the various annexes during the current session, and provide a process for adding substances and related control measures to the annexes. The instrument should provide for States to establish appropriate regulatory and enabling environments for sectoral and non-State actors, including Indigenous Peoples and local communities, to contribute to solving the problem of plastic pollution. Regarding the discussions at the current meeting, as means of implementation and implementation measures were often inextricably linked and were both core obligations, they should be considered together, with potential actions, measures and approaches grouped into five categories: sourcing and extraction; production of plastic; production of products; waste management; and legacy plastics. Means of implementation should be adequate and predictable, with specific support provisions for small island developing States that included priority access, and clear obligations for developed countries to provide, and report on, support. Support should include sustainable financing from a range of sources and the development of efficient and appropriate technologies, substitutes and alternatives, to which small island developing States in particular should have easy access. In conclusion, she underlined the need to prioritize innovation, as no single existing international instrument provided a clear precedent for the complexity and economic, social and political nature of the plastic pollution issue. The full statements by representatives of regional groups and other groups of countries, as summarized above, are available on the website for the intergovernmental negotiating committee's second session.¹

88. Representatives of 53 members also made statements on agenda item 4, as did representatives of 30 observers. The statements made by members and observers, when submitted, can be found on the website for the session. As the number of observers who were able to deliver their statements orally during the session was limited to 30 owing to time constraints, those who were unable to do so were invited to submit their statements to the secretariat. Any such statements received have also been posted on the website for the session.

B. Establishment of contact groups

89. At the sixth plenary meeting of the session, the intergovernmental negotiating committee decided to establish two contact groups in order to identify areas of consensus and narrow down potential options, using the annex to document UNEP/PP/INC.2/4 as the guiding reference for their work. The mandate of contact group 1, to be co-facilitated by Gwen Sisior (Palau) and Axel Borchmann (Germany), was to focus on the elements set out in part II, section A, on objective(s); and in part II, section B, on substantive obligations, of the annex to document UNEP/PP/INC.2/4. The mandate of contact group 2, to be co-facilitated by Kate Lynch (Australia) and Oliver Boachie (Ghana), was to focus on the elements set out in part II, section C, on means of implementation, in part II, section D, on implementation measures, and in part II, section E, on additional matters, of the annex to document UNEP/PP/INC.2/4. Following the discussions in the contact groups, the co-facilitators were to prepare a summary that would constitute the report to plenary on the outcome of the discussions.

¹ <https://www.unep.org/events/conference/second-session-intergovernmental-negotiating-committee-develop-international/written-statements>.

90. In response to a request from one representative supported by several others, the committee also decided that the contact groups would have the flexibility to address other issues, time permitting, once they had completed their mandates.

91. Further, the committee agreed that there would be a placeholder for principles in the zero draft of the instrument, and that the committee would invite members to make written submissions on principles during the intersessional period between its second and third sessions.

92. The Chair recalled that the principles guiding the work of the committee were set out in Environment Assembly resolution 5/14.

C. Conclusion of item 4

93. At the seventh plenary meeting, the co-facilitators of the contact groups presented their reports on the outcome of the groups' work, which had been circulated by the secretariat.

94. During the ensuing discussion, many representatives raised concerns regarding issues that they wished to have highlighted in the reports, particularly with respect to aspects of the discussion not reflected in the report and elements of the instrument on which they wished to see intersessional work done.

95. Following the discussion, the intergovernmental negotiating committee agreed to hold informal consultations, co-facilitated by Marine Collignon (France) and Maria Angelica Ikeda (Brazil), on the way forward.

96. Following the informal consultations, the intergovernmental negotiating committee decided to take note of the reports of the co-facilitators of the contact groups. The reports are reproduced without formal editing in the annexes to the present report, with the report for contact group 1 in annex I and the report for contact group 2 in annex II.

97. The intergovernmental negotiating committee also decided:

(a) To encourage members and observers to send their statements for its second session to the secretariat and request the secretariat to post those received on the website for the session;

(b) To request the Chair, with the support of the secretariat, to prepare a zero-draft text of the international legally binding instrument called for in Environment Assembly resolution 5/14, for its consideration at its third session. The draft would be guided by the views expressed at the committee's first and second sessions. The full range of views could be indicated in the draft text through options;

(c) To also request the secretariat:

(i) To invite submissions from observers by 15 August 2023 and from members by 15 September 2023, on:

a. Elements not discussed at the second session, such as principles and scope of the instrument;

b. Any potential areas for intersessional work compiled by the co-facilitators of the two contact groups, to inform the committee's work at its third session,

(ii) To post any submissions received on the website for the third session of the intergovernmental negotiating committee;

(iii) To prepare a synthesis report on the submissions related to paragraph (c) (i) a., above;

(d) To convene a preparatory one-day meeting back-to-back with its third session, which would include discussions on the synthesis report prepared by the secretariat.

98. Before closing the agenda item, the Chair invited members to develop proposals, including in cooperation with other parties, to advance the consideration of and convergence on issues identified by the two contact groups for intersessional work, which he said would help further the committee's work and support its deliberations at future sessions.

VI. Other matters

99. No other matters were raised.

VII. Adoption of the report

100. At the eighth plenary meeting, the intergovernmental negotiating committee adopted the draft report on the basis of the draft that had been circulated, on the understanding that the finalization of the report would be entrusted to the Rapporteur, working in conjunction with the secretariat.

VIII. Closure of the session

101. Following the customary exchange of courtesies, the session was declared closed at 9.25 p.m. on Friday, 2 June 2023.

Annex I

Report of the co-facilitators of contact group I¹

Focus on Section A: Objective(s). Section B: Substantive Obligations.

I. Co-facilitators: Gwen Sisior of Palau and Axel Borchmann of Germany.

II. Guidance:

1. The Contact Groups will aim to make as much progress as possible on identifying Members' views on the elements and options that could serve as the basis for the development of a future instrument. These discussions may lead, amongst others, to identifying areas of convergence and remaining gaps.

2. The contact groups are expected to report back to the plenary under the form of a summary of the discussions prepared by the co-facilitators, with the support of the Secretariat. Final report back to plenary on Friday, 2 June.

III. Outcomes of each segment

3. The group met for four sessions from Wednesday May 31st to Thursday June 1st on substantial issues. Overall, the contact group had rich discussions and many views were expressed on the options paper and on the way forward.

4. The group opened its work with a discussion on the proposed structure. Some delegations expressed flexibility on following the structure suggested by the Chair to start with a suggested order of discussions for part B, followed by a guided discussion on part A. Others expressed their strong preference to start with the objectives to follow the order of the options paper. Delegations suggested a restructuring of the proposed work plan of the contact group. In the spirit of flexibility, the group decided to start with part A, followed by part B in the order of the options paper.

5. A delegation requested to add a discussion item on scope at the end of discussions on Part B. This request was subsequently retracted by that delegation who suggested that scope be included as place holder in the zero-draft.

A. Part A. Objective(s)

6. The group considered the three options set out in paragraph 9 of document UNEP/PP/INC.2/4

7. Many members expressed a preference for the option set out under 9(a), as they favoured a focused, precise, and succinct objective. Many members also supported the reference in option A to the objective of "ending plastic pollution" in line with UNEA resolution 5/14, and many asked to add an emphasis on the marine environment in accordance with said resolution.

8. Several members favoured merging elements of the different options. Several members supported the option set out under paragraph 9(b) and several members, including through regional groups, supported the option set out under paragraph 9(c) for its mention of reduction in the production, use and discharge of plastic and of the circular economy.

9. With respect to a time-bound target for ending plastic pollution, while some members were in favour of its inclusion to express the urgency of the issue and facilitate monitoring of progress and validity; others preferred not to include so as not to limit the lifetime of the instrument to a specific timeframe. To stress the sense of urgency, many members suggested to either include a time target in the operative provisions or sub-objectives and some members have also shown flexibility where to assign the aspect of time.

10. A number of members suggested references to additional aspects. The following list does not show any priority of the listed aspects including:

- (a) Protection of the marine environment;
- (b) Just transition and protection of workers, including informal waste pickers;

¹ The present annex is reproduced without formal editing.

- (c) Sustainable development, sustainable future for all and SDGs Agenda 2030;
- (d) Precautionary approach as captured by principle 15 of the Rio Conference and Stockholm;
- (e) Human rights approach;
- (f) Including all sources of plastic pollution including legacy plastics;
- (g) Addressing the full lifecycle;
- (h) Impact of plastic pollution on ecosystems, climate change and biodiversity;
- (i) Environmentally sound management of plastic waste;
- (j) Reduction of hazardous plastic waste;
- (k) Accelerating management and utilization of plastic;
- (l) A safe circular economy;
- (m) A non-toxic circular economy;
- (n) Reduction of production;
- (o) Considering special circumstances of countries as SIDS.

B. Part B. Core Obligations, Control Measures and Voluntary Approaches

11. In their consideration of the core obligations, some delegations highlighted interlinkages including with other sections of the options paper and respective measures.
12. Some members provided detailed proposals orally, including additional proposals of options not yet captured in the options paper, some of which's transcriptions were sent in writing in support to the Secretariat and to inform the Chair when drafting the zero-draft.
13. There was a proposal to also have an overarching obligation encouraging obligation for establishing a plastic circular economy.
14. Proposals for intersessional work will be covered at the end of this report, not under each obligation.

1. Possible obligation 1. phasing out and/or reducing the supply of, demand for and use of primary plastic polymers

15. Many members supported consideration of some options listed under this obligation. Some underscored that their applications depended on the nature of the polymer or chemical being regulated. Many members highlighted the need to focus on the effect of plastics on the environment.
16. Some members also highlighted that plastic is not a pollutant as such and was, is and will be essential in a number of industries and applications. Some members stressed the need to take into account sustainability or availability of substitutes. Some members also highlighted the need for a phased approach and transitional periods.
17. Many members supported the establishment of global targets on production of primary plastics, and many also favoured supporting and complementing these global targets with national targets and commitments aligned with these global targets, since they saw a close interconnection. Some delegations also proposed further specific language on global targets.
18. Some members did not support the establishment of global targets (10 (a)(i)) and favoured the establishment of national targets and commitments (10 (a)(ii)) only or none of those at all (10 (a)(i) and (a)(ii)), as well as highlighted the need for promoting sustainable production and consumption of plastic polymers throughout the lifecycle of plastic as well as demand side measures including through nationally determined actions.
19. Some delegations suggested the need to establish criteria for prioritizing problematic primary substances be prioritized, with some suggesting taking into account the following:
 - (a) hazardous plastic polymers;
 - (b) those with greatest adverse impacts on the environment or public health; or
 - (c) those that can be easily substituted.

20. It was also noted that it would be important in this context to define clearly the notion of “primary” plastics polymers, in particular whether it refers only to fossil-based polymers or might also include non-fossil material such as bio-based plastics.
21. Several members favoured the development of common standards and criteria, with the aim of achieving sustainable consumption and production.
22. Many members supported the inclusion of tracking and monitoring requirements, to support the implementation of targets and commitments, and allow progress to be assessed.
23. A number of members supported the establishment of import and export requirements under paragraph 10 b (ii).
24. A number of members expressed support for the use of market-based measures under paragraph 10(c), with flexibility in the choice of specific measures to be adopted at the national level to account for national circumstances. It was suggested that both incentives and disincentives should be considered. Some delegations supported the removal of fiscal incentives and subsidies to the production of primary plastics.
25. Some members highlighted the need to take binding obligations with flexibility for countries like SIDS.

2. Possible obligation 2: banning, phasing out and/or reducing the use of problematic and avoidable plastic products

26. While many members supported consideration of options for banning, phasing out and/or reducing the use of problematic and avoidable plastic products (11 (c)), some members also expressed that banning certain types of plastics can have negative socio-economic effects on the global recycling industry and national circumstances have to be taken into account based in light of accessibility and affordability of alternatives including that of technologies.
27. There was broad support for establishing criteria to determine and prioritize problematic and avoidable plastic products, including unnecessary or short-lived products.
28. Some members viewed this option as complementary to or a prerequisite for measures to ban, phase out, reduce or control the production, sale, distribution, trade and use of specific problematic and avoidable plastic products by identified dates. Several members also supported setting up an inventory.
29. Many members supported option (11 (c)). Some noted the need for exemptions for certain categories of plastic products, including those for which alternatives are not available and accessible. The need for exemptions in certain sectors, including the health sector, was further highlighted. Some members were in favour of a gradual phase-in of measures under 11(c).
30. A clear definition of problematic and avoidable plastic products was considered necessary by many members, with some calling for science-based evidence and a process, supported by intersessional work, to further identify criteria for such products and a few stressing that criteria should be nationally determined. Some expressed criteria and plastic products to be phased out or banned could be included in annexes, amendable through an evidence-based assessment process, following the example of some MEAs. Some members also called for the leakage and littering potential of plastic products to be included in the criteria.
31. Some members also supported the establishment of trade-related measures, many of which also for non-parties. In this context several members called for increased transparency.
32. As also for the obligation 3 many members expressed the need to have intersessional work on definition and criteria, while some also called for a list of existing measures.

3. Possible obligation 3. Banning, phasing out and/or reducing the production, consumption and use of chemicals and polymers of concern

33. While many supported consideration of this obligation, some stressed the importance of taking into account national circumstances, and following an evidence-based approach. Clarity on the identification of the chemicals and polymer of concern at issue before considering this option was deemed necessary by many members. Many stressed the need to base any ban, phasing out or control of substances of concern on clear and precise criteria supported by a strong evidence base and risk assessment.

34. Many speakers pointed out linkages between this obligation and others, including obligation 2 (on problematic plastic products), the promotion of safe and sustainable alternatives and substitutes (obligation 8), and EPR (covered in obligation 5) as well as informal workers (obligation 11).
35. There were suggestions to undertake measures to foster innovation including sustainable or green chemistry for plastic polymers, to further reduce the use of hazardous substances in plastic, and releases from industrial processes, and to further the development of more environmentally sustainable alternatives to plastics.
36. A number of members supported the introduction of options to regulate the production and use of chemicals and polymers of concern as identified in paragraph 12 (a), in light of the adverse impacts of some chemicals and polymers on human health and the environment, and also on the recyclability and circularity of products containing them.
37. There was support for transparency on the use of polymers and chemicals of concern as a means of supporting the implementation of the obligations, including trade measures.
38. Some Members considered that transparency standards should be on an internationally agreed basis.
39. A number of members supported fostering innovation and incentivizing alternatives and substitutes (option 12 (c)(i)) and incentivizing research on sustainable alternatives and substitutes. At the same time, it was noted that “accelerating” the transition should be approached with caution, in light of the need to ensure that any alternative and substitutes do not themselves result in adverse impacts, as reflected in obligation 5.
40. Many members noted the need to consider synergies and avoid duplication or contradiction with existing MEAs, in particular the Stockholm and Basel Conventions. Reference was also made to disclosure obligations for producers under the Framework Convention on Tobacco Control.
41. As for the obligation 2 many members expressed the need to have intersessional work on definition and criteria, including on polymers of concern.

4. Possible obligation 4. reducing microplastics

42. There was convergence on the adverse effect of microplastics and support among members for measures to reduce leakage of microplastics.
43. There was broad support for addressing unintentional releases of microplastics. Many members supported the options under 13(b)(iii) Developing guidelines on best available technology and best environmental practices to reduce release of microplastics, including for design, in the washing, textile, tyre, and road marking industries.
44. Many members supported either option 13(a)(i) (Ban, phase out, reduce or control the use of intentionally added microplastics to avoid the potential release of microplastics into the environment from certain sources) or 13(a)(ii) (Ban, phase out, reduce or control the production, sale, distribution, trade and use of microplastics and products containing intentionally added microplastics).
45. A few members supported subobjectives to include time-bound targets for phase out/bans. Some members supported a science-based mechanism for amendments of annexes on listed sources of microplastics.
46. Several members highlighted the importance of identifying potential sources of release of microplastic, including from specific sectors. Intersessional work on this could be helpful to guide future negotiations.
47. Some members also mentioned the relevance of nanoplastics; a globally harmonized monitoring mechanism could support assessing presence of microplastics in the environment; linkages to sustainable consumption and production and measures to enhance circularity.
48. Several members supported further work on definitions of microplastics and the scope of measures under paragraph 13. Some members favoured a science-based approach guided by the precautionary principle for such work to be supported by intersessional work.

5. Possible obligation 5: strengthening waste management

49. Most supported strengthening plastic waste management under this new instrument, while stressing the need to avoid duplication with existing MEAs, in particular the new guidelines adopted under Basel Convention. The coordination with MARPOL was also called for by some members.

50. Waste hierarchy, ESM of plastic waste, research and innovation, deploying and fostering the development of technologies for the collection, recycling and disposal of plastic waste were supported by many. Some supported for a definition of circularity.
51. The need for technology, technical and financial assistance for enhancing waste management capacities was stressed by many members.
52. Different views were expressed with regards to listing of dangerous practices to be prohibited. Some supported prohibiting open burning and incineration as dangerous practices, while others expressed that not all of the practices listed should be considered dangerous. Some pointed out that chemicals recycling is an evolving field and should be considered along with other technologies. It was noted that in some countries, recourse to these methods was currently the only means available for disposing of waste.
53. Some stressed that setting up indicators and obligations for waste collection, sorting and recycling must be nationally driven.
54. It was noted that remote territories and flexibility for SIDS should be considered .
55. On illegal dumping and disposal, members stressed the need to avoid duplication and risks of contradiction with existing conventions, in particular MARPOL with respect to the marine environment and the Basel Convention with respect to transboundary movement of plastic waste.
56. A number of members supported the adoption of EPR schemes as an expression of the polluter pays principle, and an effective means of reducing plastic waste. The critical importance of financing improved waste management capacities was also noted. Some members however did not support the introduction of obligations on EPR.
57. Many members noted the need to adapt EPR schemes to national conditions. Concern was expressed however that making accountability of producers voluntary had implications on the application of the polluter pays principle. It was also pointed out by some that the EPR scheme should be expanded to the global level.
58. Some considered that implementing measures to ensure the collection, sorting, management, and disposal of plastic waste in an environmentally sound and safe manner, should be addressed at the national level.
59. Waste pickers and social factors were proposed to be considered. Also, it was pointed out that cross-cutting issues such as human health, the role and interests of indigenous people and gender responsive measures should be considered.
60. Additional options were proposed, including economic instruments to promote avoidance and minimization of waste and minimum requirements for e.g. performance, reduction or reuse.

6. Possible obligation 6: fostering design for circularity

61. Many members highlighted linkages between obligations under section 6 and those under sections 7 and 8.
62. Many members supported the establishment of circularity design criteria (option 15(a)) and certification schemes for products put on the market (option 15(b)). The criteria could be set out in an annex to the instrument. For some members, design criteria are also important to promote reuse and repair of plastic products as well as the promotion of circular business models (obligation 6). Clear definition and guidance on circularity are considered important for some members. Some members pointed out those options should be nationally driven actions.
63. Many members supported national requirements for design criteria (option 15c) but some preferred that these not be based on globally harmonized system and methodologies to promote circularity of plastics. Some members emphasized that national design criteria need to take into account national circumstances, infrastructure and capabilities.
64. Several members supported labelling measures for plastic products and packaging in light of the design criteria (option 15(d)), that could be globally harmonized.
65. Several members supported establishing recycled content targets for plastic products put on the market (option 15(e)), with a sectoral approach and while limiting toxicity of recycled products. Some members highlighted that such targets to be nationally determined or account for national circumstances.
66. There was some support for an information exchange mechanism (option 15f).

7. Possible obligation 7: encouraging reduce, reuse and repair of plastic products and packaging

67. Some members supported setting targets for reduction, reuse and repair of plastic products (option 16(a)), taking into account national circumstances, while some objected its inclusion.

68. Many members supported encouraging reduction and reuse of plastic products (option 16(b)(ii)), in line with the waste management hierarchy, in some cases through raising consumer awareness, applying harmonized product design standards, certifications and requirements (option 16 (b)(iv)) and/or measures under option 16 (b)(v) including EPR, while some members do not support a standardized utilization of tariffs or tax incentive, EPR schemes as each member state must assess its own capacity and circumstance through individual plans.

69. For some members, design standards are to be nationally determined. Standards could be in line with those established by ISO.

8. Possible obligation 8: promoting the use of safe, sustainable alternatives and substitutes

70. Some members supported platforms for information-sharing on the development of safe, sustainable alternatives and substitutes (option 17(a)(i)) and the use of economic tools to incentivise research on such alternatives (option 17(a)(ii)). Some delegations highlighted the consideration of traditional knowledge, knowledge of Indigenous Peoples, and local knowledge systems including from local communities,

71. Understanding what could be considered as alternatives was also considered important by many members. Criteria for such alternatives need to be established, including by taking into account indigenous and local knowledge, national circumstances, potential for extended lifespan and safe disposal, while avoiding unintentional consequences on human health and the environment.

72. Some members cautioned against biobased and biodegradable plastics as alternatives to fossil-based plastics. Some members favoured a technical expert group to establish criteria on alternatives and their availability (option 17(b)(ii)). Some members emphasized the need for financing, technical assistance and technology transfer to switch to safe alternatives.

9. Possible obligation 9: eliminating release and emission of plastics to water, soil and air

73. Members converged on the importance of the inclusion of provisions on the elimination of releases to water, soil and air throughout the life cycle of plastics including microplastics. Some members spoke in favour of binding provisions. Many stressed the role of upstream measures in this context.

74. The relevance of sectoral measures was also noted, in particular on abandoned, lost, discarded fishing gear (ALDFG), as defined under the FAO. It was suggested that sector-specific measures covering the full life cycle be considered, including gear design. Also, it was noted that specific sources like spills and storms should be included.

75. It was also suggested that the reference to existing efforts in other fora (IMO, FAO) be extended to other institutions, including regional fisheries management organizations (RFMOs), and it was noted that guidelines were adopted at the country level rather than internationally in this context.

10. Possible obligation 10: addressing existing plastic pollution

76. Many identified the urgency and importance of addressing existing plastic pollution, some supported all current options under obligation 10, while some suggested merging some of the options. Some delegations highlighted the priority of addressing fishing gears.

77. Synergies with existing MEAs and mechanisms, including the FAO, IMO, RFMOs, MARPOL, London Convention, were stressed by many. Awareness raising was mentioned by some members.

78. BAT/BEP was supported by many, while some stressed such guidelines should be voluntary and nationally determined to adapt to national circumstances.

79. It was also mentioned that identification of indicators for the hotspots should be science-based.

80. Some members highlighted the disproportionate impacts of legacy plastic pollution, in particular in the marine environment, on developing countries, in particular SIDS.

81. It was noted that legacy plastics are not suitable for mechanical recycling and alternatives need to be found.

11. Possible obligation 11: facilitating a just transition, including an inclusive transition of the informal waste sector

82. There was broad support for the introduction of provisions for a just and fair transition contributing to poverty alleviation, taking into account national circumstances. Reference was made in this context to a human rights approach as well as to the UN General Assembly's recent recognition of the right to a clean, healthy and sustainable environment as a human right (A/RES/76/300).

83. Several Members stressed the importance to them of this obligation. The important role of waste pickers as actors of the transition was noted. The impact of plastic pollution on indigenous peoples and vulnerable groups was also noted.

84. Some Members noted that not all proposed obligations may be relevant to all countries, and that the details of a proposed just transition programme should be discussed further, including with a view to targeting it to vulnerable populations.

85. It was also noted that other aspects, including standards for waste management and EPR, would also contribute to a just transition.

86. A few delegations recognized the rights of Indigenous Peoples and relevant stakeholders facing capacity constraints

12. Possible obligation 12: Possible core obligation: protecting human health from the adverse effects of plastic pollution

87. There was broad support to this obligation. Integrated approach, scientific approach, risk-based approach, human rights approaches were mentioned by some Members. Traditional knowledge, knowledge of Indigenous Peoples and local knowledge systems was also recognized.

88. There was a proposal to establish a subsidiary body dedicated to synthesizing relevant science and research for policy makers and work with organizations such as WHO and ILO on this issue. It was noted that knowledge gaps should be addressed, including through further research and study and the transfer of knowledge.

89. Some mentioned that such measures should be country specific and country driven, as required.

Placeholder for potential zero draft:

90. It was suggested to include two placeholders in the potential zero draft: principles and scope. It was further suggested that members could make submissions or have further intersessional exchange on these topics.

IV. Proposals for intersessional work:

91. In identifying possible areas of work to be conducted in the inter-sessional period, members stressed their understanding that this work was not to prejudge the work of the INC as well as the zero-draft.

92. Potential timelines, although there was a specific proposal for intersessional between the Diplomatic Conference and COP1, and working methods would be subject to a decision of the INC. As well as the instrument itself the intersessional work should avoid any duplication of existing workstreams under other MEAs and rather draw from them.

93. Possible areas of work could include:

- (a) Identification of criteria and potential list of substances of concern also considering different sectors and the full lifecycle;
- (b) Definitions, including problematic and avoidable plastics;
- (c) Criteria to identify specific problematic and avoidable plastic products for Ban, phase out, reduce or control the production, sale, distribution, trade and use;
- (d) Criteria to determine and prioritize problematic and avoidable plastics;
- (e) List of problematic plastics, sectors, uses and functionalities for which no substitutes exist;
- (f) Scoping, definition of microplastics, potential products containing intentionally added microplastics and sources (products and sectors) of releases of such;

- (g) Development of targets for the reduction, reuse and repair for plastic products;
 - (h) Work on intentional releases of microplastics;
 - (i) Work with relevant stakeholders on fishing gears in the life cycle of plastics;
 - (j) Guidelines on EPR ;
 - (k) Transition period until some products or substances are to be banned or reduced.
94. Potential future studies or informal papers to be produced, including by the secretariat:
- (a) Compilation of a list of problematic single use plastics banned by governments and existing criteria used by governments as an INF doc;
 - (b) Compilation of information on national measures on plastics production;
 - (c) Identification of linkages with other MEAs;
 - (d) Clarification of polymers of concern increase transparency;
 - (e) Compilation of existing standards on sustainability of alternatives and which could be reflected in design criteria;
 - (f) Definitions and criteria for circularity;
 - (g) Compile existing standards and certification that verify plastic circularity;
 - (h) Criteria for assessing alternatives, include that are economically and environmentally sound;
 - (i) Market-based measures;
 - (j) Analysis on existing productions and trade bonds of existing polymers and overall sustainable product from health and environmental perspective.
95. Suggested modalities of work included establishment of an intersessional technical and scientific expert group/body. Open-ended working group, or more informal settings
96. A delegation did not support intersessional work, in particular with regards to identifying or developing lists or criteria.
97. In the final discussion the contact group discussed the following general topics that might be covering some or all of the above mentioned item, not including informal documents that were asked from the secretariat:
98. To consider:
- (a) Information on definitions of, e.g. plastics, microplastics, circularity;
 - (b) Information on criteria, also considering different applications and sectoral requirements, including:
 - (i) Chemical substances of concern in plastics;
 - (ii) Problematic and avoidable plastic polymers and products and related applications;
 - (iii) Design e.g. for circularity, reuse;
 - (iv) Substitutes and alternatives to plastic polymers and products,
99. In order identify, also possibly on a later stage:
- (a) Potential substances of concern in plastics, problematic and avoidable plastic polymers and products;
 - (b) Potential sources of release of microplastics (applications and sectors).

V. Linkages identified with CG2:

100. Members identified linkages with other elements discussed in CG2, in particular with regard to means of implementation and implementation measures. They highlighted that the two conversations were complementary and mutually supportive.

101. Some specific considerations include:

- (a) Under obligation 1: Need to support capacity building for tracking and monitoring of volumes of plastic polymers manufactured, used, imported and exported;
- (b) Under obligation 5: Need to support development of waste management capacity in accordance with appropriate technology;
- (c) Under Obligation 7, related means of implementation, in particular financial resources for infrastructure;
- (d) Under Obligation 9: need to include access to technology as well as consider the role of a fund to address legacy plastics;
- (e) Under Obligation 10. addressing existing plastic pollution, linkages with MoI was identified;
- (f) Under obligation 12: consideration of funds to be allocated to research on assessing and evaluating risks and adverse effects of plastic pollution;
- (g) Under several obligations, the possible inclusion of implementing measures in national action plans was noted.

Annex II

Report of the co-facilitators of contact group II¹

I. Co-facilitators: Kate Lynch of Australia and Oliver Boachie of Ghana.

II. Guidance:

1. The Contact Groups will aim to make as much progress as possible on identifying Members' views on the elements and options that could serve as the basis for the development of a future instrument. These discussions may lead, amongst others, to identifying areas of convergence and remaining gaps.

2. The contact groups are expected to report back to the plenary under the form of a summary of the discussions prepared by the co-facilitators, with the support of the Secretariat. Final report back to plenary on Friday, 2 June.

III. Outcomes of each segment

A. National Action Plans

3. There was convergence on development of National Action Plans (NAPs)² to coordinate and support implementation of the legally binding instrument across the plastics lifecycle at the national level. The instrument should have an obligation for countries to develop a NAP, which could be viewed as a backbone for its implementation. The NAP should take into account national circumstances with some suggesting tailored approaches for developing countries and small island developing States (SIDS). Development of the NAP should be complemented or supported by robust collaboration and consultation with stakeholders.

4. It was stressed by some that development of NAPs must not be the only legally binding provision of the future instrument, and that it should not be viewed as an objective in itself.

5. Some saw the need to set out targets and commitments which could align with the global instrument. Details on NAPs could also include provision of indicators against which progress could be tracked at the national level and recorded across the lifecycle. Others saw the NAP as a nationally-driven process whereby countries would undertake their own target-setting, review and update or resubmission.

6. There was convergence on the value of harmonized templates and guidance for NAPs, potentially with a minimum set of NAP elements, with some Members emphasizing that such guidance should not be legally binding. Some stressed the importance of harmonization of NAPs, with more prescriptive guidance being provided on targets, indicators and timelines, taking into account national circumstances, to promote their transparency and comparability across parties.

7. Further discussion on where/how NAPs would be gathered and published would be required, including whether existing plans could be used initially.

8. The linkage between preparation of NAPs and periodic national reporting was noted. It would be important to establish a baseline for a NAP and undertake periodic reviews. NAPs could be used to capture quantitative data, but it was noted that NAP requirements should not duplicate existing mechanisms. It was generally agreed that NAPs should be evidence based. Caution on the possible burden of developing and regularly reporting on NAPs was mentioned, with some noting that a financial mechanism could assist parties in the development and implementation of their NAPs.

9. There were divergent views on the evaluation of NAPs, including which entit(ies) should conduct such evaluation, and at what frequency. Some delegations noted a potential role for an established scientific, technical and economic panel, while others noted that NAPs should be assessed domestically.

¹ The present annex is reproduced without formal editing.

² Some preferred the terminology National Implementation Plan to capture the role of the plan in national implementation of the instrument.

10. There was convergence on the need for scientific and technical bod(ies) to ensure an evidence-based instrument with a strong science-policy interface. The role of such a bod(ies) could be further considered once the obligations of the instrument had been more fully developed. Coordination with the ongoing process to develop a science-policy panel (SPP) on chemicals, waste and pollution prevention would be important in this regard. See Research section below for further information.

B. Exchange of information

11. Convergence on scope and focus of exchange of information could include that outlined in subparagraph 35 (a) of the options paper:

- (a) Best practices, knowledge, research and technologies;
- (b) Sustainable consumption and production, environmentally sound waste management, sources of plastic pollution, human and animal exposure to plastic pollution and the associated risks and reduction options, among policymakers, stakeholders and the public;
- (c) Exchange information, if any, on the wisdom of indigenous systems and practices.

12. In addition, capacity building for gathering information and data is needed for developing countries.

13. There was also agreement on certain elements in subparagraph 35 (b) including to:

- (a) Build on ongoing voluntary initiatives;
- (b) Use the multi-stakeholder action agenda to share knowledge and highlight successes, as well as to replicate and scale sustainable solutions;
- (c) Use regional and sub-regional networks for information exchange, lessons learned and capacity-building;
- (d) Promote cooperation with other countries and international organizations;
- (e) Organize events on the sidelines of governing body sessions to exchange best practices;
- (f) Learn from other processes.

14. Some saw disclosure of information and labelling schemes as closely linked to the core obligations of the instrument. Some concern was expressed over the suggestion on provisions for mandatory disclosures, with some Members pointing out that there could be overlaps with other multilateral environmental agreements (MEAs) or with World Trade Organization (WTO) obligations or issues of confidentiality. These also needed to be considered in light of the capacity of small and medium-sized enterprises.

15. Prior informed consent for transboundary movements would need to be considered in light of existing provisions of certain MEAs.

C. Stakeholder engagement

16. There was broad support for a multistakeholder action agenda to promote active and meaningful participation in the development and implementation of the instrument and to accelerate action (cf. paragraph 40 of the options paper). Recognition of the role of indigenous peoples and local communities (IPLCs) and the informal sector in a just transition were seen as of particular importance.

17. Existing bodies, partnerships and other initiatives should be leveraged.

D. Awareness raising and education

18. There was convergence of the role of awareness raising and education, including calls from several Members for these to be obligatory, in promoting (from subparagraph 34 (a)):

- (a) Behaviour change;
- (b) Capacity development;
- (c) Sharing of information on environmental impact, sustainability, reduction of plastic use and demonstrated successes;
- (d) Increased awareness and understanding of the instrument's goals and objectives.

19. Reference to and leveraging of indigenous, traditional and local knowledge systems and to building on voluntary and regional networks should also be included.

E. Research

20. The importance of a science-backed and evidence-based instrument was underscored. There was broad support for utilising a scientific and technical body to evaluate scientific data, socio-economic data and impacts, problematic plastics, polymers and chemicals of concern (both during the development of the instrument and in its implementation). Mechanisms for scientific bodies under other MEAs could be considered. Close collaboration with the ongoing Science Policy Panel process would be needed to avoid duplication and strengthen areas of commonality.

21. Views on the types of research to be undertaken converged on (from subparagraphs 38 (a)–(c)):

- (a) The state of current knowledge;
- (b) The impact of plastic pollution;
- (c) Potential avenues for addressing the problem.

22. Some raised the opportunity for a knowledge sharing platform.

F. Cooperation and coordination

23. There was broad support for cooperation and coordination (para. 39), with a range of entities, including international organisations such as International Maritime Organization (IMO), WTO, Food and Agriculture Organization (FAO), standards-setting organisations such as ISO and ASTM,³ in addition to international private sector organisations, consumer goods organisations and specialized institutes. The instrument should ensure complementarity with existing MEAs and other international agreements, particularly in relation to legally binding obligations.

24. Cooperation between governments and the private sector was underscored as being of particular importance. Cooperation and coordination under existing MEAs such as Minamata and the BRS Conventions could serve as a model for the instrument.

25. The dynamics of cooperation were extensively discussed, with differing modalities being recommended including South-South cooperation, North-South cooperation, triangular cooperation and public-private partnerships.

G. Financial assistance

26. Overall, there was support for a comprehensive approach to means of implementation by securing finance, facilitating technology transfer and supporting capacity building and technical assistance.

27. There was convergence that a financing mechanism should provide an enabling framework, assisting parties in meeting their obligations under the new instrument. It would be needs driven. Given the breadth and complexity of issues to be addressed, some also noted that needs assessments would need to be carried out on a periodic basis.

28. Many Members chose to refer to a financial “mechanism” as opposed to or in addition to financial assistance which added emphasis to the need for predictable, sustainable, adequate, accessible and timely financing under the instrument. Some called for separate articles on financial mechanism and financial resources.

29. There were divergent views on whether a new dedicated multilateral fund should be established, potentially modelling the Multilateral Fund for the Implementation of the Montreal Protocol, and/or whether existing financing mechanisms should be leveraged, such as the Global Environment Facility – possibly through a dedicated window.

30. Those supporting establishment of a new dedicated multilateral fund for plastics saw benefit in having an independent, standalone mechanism that would report to the governing body of the new instrument. Such a mechanism could prioritise those with the greatest need, in particular taking into account the special circumstances of SIDS and Least Developed Countries (LDCs).

³ International Organization for Standardization and American Society for Testing and Materials.

31. Those supportive of leveraging existing mechanisms such as the GEF highlighted that this would avoid the additional resources and time associated with the establishment of a new mechanism and help to promote an integrated approach with other global environmental issues of concern relating to ecosystems, climate and circular economy.
32. Some supported a hybrid mechanism whereby the establishment of the fund could be outlined in the instrument, but the governance structure and funding mechanisms could be modelled on, adapted to or hosted by an existing environmental fund. Such an approach could help leverage existing resources and expertise while maintaining a unique identity and purpose for the multilateral fund.
33. In terms of funding sources for a financial mechanism, there was general alignment that public, private, international and domestic sources of funding could be harnessed. While there was divergence about specifically referencing the principle of common but differentiated responsibilities, there was general agreement that funding should be directed to address significant issues in areas of greatest need and where there is limited capacity. Some emphasized the need for public funds to be made available by developed countries to developing countries. Delegates also raised the issue of social and economic impacts of tackling plastic.
34. There was recognition that additional sources of financing beyond a multilateral fund could be required to tackle plastic pollution, particularly that which was beyond areas of national jurisdiction, or the remediation of legacy plastic waste. Additional financing could be secured through the establishment of dedicated fee systems using both market and non-market-based approaches. In addition, global financial flows should be leveraged. Some noted that the prescription by the instrument of fees, taxes, levies or an EPR system at the global level would require further discussion. Many noted that these fell firmly within national remits. Concerns were also raised that the imposition of such measures without readily available alternatives could have adverse economic and social consequences and that these impacts should be considered.
35. It was acknowledged by many that different sources of finance would play different roles in relation to implementation of the treaty obligations.
36. There was general agreement that further discussion would be beneficial on innovative funding opportunities. Some cautioned that credit schemes would require external and independent verification.

H. Capacity building

37. There was broad support for the establishment of capacity-building programmes that are country-driven, based on [periodic] needs assessment and responsive to specific priorities and national circumstances. Developing-country parties, especially LDCs and SIDS, could receive special attention and support. In addressing capacity building needs, it should be recognized that Members are at different stages of development and have different priorities.
38. Capacity building, along with technical assistance, could be delivered through regional, subregional and national arrangements, including existing regional centres, such as those under the BRS Conventions, and through partnerships.
39. It was suggested that models under existing MEAs could be built upon.

I. Technology transfer

40. There was some support for a separate dedicated article on technology transfer, with some citing the need for a clear definition of what is meant by technology transfer and how it works on mutually agreed terms. The linkage to the 2030 agenda and the target on transfer of environmentally sound technologies to developing countries (SDG 9) could be referenced.
41. As reflected in existing MEAs, there would be an opportunity for developed country Parties to promote and facilitate, supported by the private sector and other relevant stakeholders as appropriate, development, transfer and diffusion of, and access to, up-to-date environmentally sound alternative technologies to developing country Parties, in particular LDCs and SIDS, and Parties with economies in transition, to strengthen their respective capacities. In support of technology transfer, investment in research and innovation for aspects such as eco-design, alternative materials and technologies should be supported.
42. Mechanisms for technology transfer would need to recognize intellectual property rights, transfer and licensing agreements.

43. Some called for separate recognition of the importance of technological cooperation between parties and with stakeholders.

J. Technical assistance

44. It was agreed that similar to other means of implementation, technical assistance needs should be country driven and based on [periodic] needs assessment. Technical assistance could focus on support for development of appropriate infrastructure, development of alternatives, exploring new technologies and enhancing skills and knowledge of key stakeholders.

45. More attention could be given to technical assistance related to monitoring, reporting and verification systems and procedures at the national level. Additionally, a mechanism for States to benefit from expertise could be facilitated through establishment of a scientific and technical panel.

K. Compliance

46. There was general agreement that an implementation and compliance mechanism should be facilitative/enabling. Some Members also emphasized the non-adversarial and non-punitive nature of the mechanism. Preference was expressed for including provisions on such a mechanism, including the possible establishment of a committee, within the instrument itself, with different views on which details would be included in the instrument, and which details could be subsequently determined by the governing body. A variety of views were expressed on the scope of consideration of the mechanism and options to initiate consideration of implementation and compliance issues. The challenge of discussing provisions to address compliance at a stage when obligations under the instrument had not yet been defined was pointed out by some Members. Some also noted the linkage between compliance, national reporting and means of implementation.

L. Periodic assessment and monitoring of progress

47. The importance of enshrining provisions on periodic assessment and monitoring of progress in the instrument was recognized. Different views were expressed on the purpose of periodic assessment and monitoring. One possible purpose identified was to assess gaps in capacity. There was openness to using various sources of information for periodic assessment and monitoring, including information from NAPs, subsidiary bodies and scientific literature and civil society, and a note of caution on the choice with regard to sources of information. The importance of periodicity was emphasized, with views expressed on the need to ensure sufficient time for implementation and results, and suggestions provided on an incremental approach to developing modalities for such process.

M. National reporting

48. There was strong support for establishing national reporting as a legal obligation under the instrument, with core elements to be defined in the instrument. Such an obligation would apply to all parties, with some room for flexibility and/or financial support for developing countries and SIDS and an option to progressively increase or expand reporting over time. Different views were expressed on the scope of the reporting. The need to avoid undue burdens relating to reporting, especially on developing countries and SIDS, was emphasized, as was the need to avoid duplication with reporting requirements under existing multilateral environmental agreements. The value of presenting data and information in a comparable manner through, e.g., a common reporting framework or template was recognized.

IV. Proposals for any intersessional work

49. Members identified possible intersessional work on the areas set out below. The development of zero draft for INC-3 was identified as the highest priority. Interest was expressed in relation to intersessional work on all areas listed below, with differing views on the prioritization, timing and clustering of these topics. No matters identified below were considered necessary for completion ahead of zero draft and many Members noted that intersessional work could proceed in parallel. Some Members indicated that there would be greater clarity on additional intersessional work in light of discussions in contact group 1 and after the development of the zero draft. Members recognized different modalities available for intersessional work and stressed that no decisions should be taken during the intersessional period.

Intersessional work – matters identified

- (a) To consider the potential role, responsibilities and composition of a science and technical body [to support negotiation and/or implementation of the agreement];
 - (b) To consider potential scope of and guidance for National Action Plans [including optional and/or suggested elements];
 - (c) To identify current provisions within existing MEAs [and other instruments] on cooperation and coordination that could be considered;
 - (d) To consider how other MEAs provide for monitoring, and suggest best practice;
 - (e) To consider options to define ‘technology transfer on mutually agreed terms’;
 - (f) To further consider how a potential financing mechanism could work [including a new standalone mechanism, a hybrid mechanism, or an existing mechanism];
 - (g) To identify options to mobilise and align private and innovative finance (including in relation to matters at 24(e) and the proposed Global Plastic Pollution Fee (GPPF));
 - (h) To map current funding and finance available [to address plastic pollution] and determine the need for financial support for each Member;
 - (i) To identify capacity building and training needs for each Member.
-