



**Intergovernmental negotiating committee to develop
an international legally binding instrument on plastic
pollution, including in the marine environment**
Third session
Nairobi, 13–19 November 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 third 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. 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. The third session of the intergovernmental negotiating committee was held at the headquarters of UNEP in Nairobi from 13 to 19 November 2023.

II. Opening of the session

3. The third session of the intergovernmental negotiating committee was declared open by Gustavo Meza-Cuadra Velásquez (Peru), Chair of the intergovernmental negotiating committee, at 10.15 a.m. on Monday, 13 November 2023.
4. Opening statements were delivered by Jyoti Mathur-Filipp, Executive Secretary of the intergovernmental negotiating committee; Mr. Meza-Cuadra Velásquez, Chair of the intergovernmental negotiating committee; Inger Andersen, Under-Secretary-General and Executive Director of UNEP; and William Ruto, President of Kenya.
5. Welcoming participants, Ms. Mathur-Filipp expressed her gratitude to the Government of Kenya for hosting the third session of the committee and to the governments of Australia, Belgium,

Canada, Denmark, Finland, France, Germany, Ireland, Japan, Monaco, the Kingdom of the Netherlands, New Zealand, 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 generous contributions in support of the committee's work. She also thanked the Chair, the Bureau members and the secretariat for their hard work, and UNEP and the secretariats of several multilateral environmental agreements for their invaluable support. Noting her satisfaction at the growing interest in the ongoing negotiations, she said that the convergence of views on many key issues notable at the preparatory meeting held immediately prior to the present session had demonstrated that the common ground existed to achieve the creation of an international legally binding instrument on plastic pollution, including in the marine environment.

6. In his opening remarks, Mr. Meza-Cuadra expressed gratitude to the host Government for its hospitality and to all those who had worked tirelessly to ensure the successful organization of the current session. The urgency of addressing plastic pollution could not be overstated, as plastic waste continued to inundate oceans, harm wildlife and infiltrate ecosystems, posing a direct threat to the environment, human health and the planet. There was a collective responsibility to effectively address the crisis and to change its trajectory. Promising initiatives implemented worldwide had demonstrated the potential for change. However, the transnational nature of plastic pollution and the need to make a difference on a larger scale meant that international cooperation and a legally binding instrument were crucial. Negotiations could only be advanced through dialogue and consensus, in a spirit of ongoing cooperation. He expressed the hope that the committee at its third session would agree on a mandate for a revised draft of the instrument and possible intersessional work to prepare for the fourth and fifth sessions. Reaffirming his commitment to the negotiation process, he encouraged delegations to capitalize on the "Nairobi spirit", which implied consensus and ambition, and to work purposefully towards the fulfilment of their mandate.

7. Ms. Andersen, in her opening remarks, recalled the significance of the fifth session of the Environment Assembly and its historic resolution to craft an instrument on plastic pollution, which had exemplified the Nairobi spirit. That spirit must be reembraced during the current session, to ensure that a strong, comprehensive agreement would be ready by 2024. The instrument in question must address the full life cycle of plastic pollution. To that end, using fewer virgin materials, less plastic and no harmful chemicals, ensuring more efficient use of resources, and undertaking safe waste disposal were key measures. Such actions would serve to protect the health of humans and ecosystems, slow climate change, create new jobs and sustainable markets, and deliver a just transition.

8. The zero draft of the instrument was a true work of multilateralism. To render it transformational, it was time to set ambitious targets with accelerated timelines; focus on enabling policies and legislation; establish clear incentives, including for the private sector; ensure financing, assistance and international cooperation for nations with fewer resources; provide funding for research and development solutions; eliminate unnecessary plastic products; and address the legacy of plastic pollution. Safe and environmentally sound approaches to redesigning were also necessary to guarantee non-harmful substitutes, which required the cooperation of all stakeholders, while also ensuring investment in solid waste management infrastructure and a transition that left no one behind. Private sector leadership would be key in that regard; the early adoption of non-plastic substitutes or alternatives was in the interests of companies, as it would enable them to secure the market share in the future. Africa could lead the way, as demonstrated by its efforts to reduce single-use plastics and its innovations in the business sector, as well as its prolific natural resources. She asked all participants to negotiate at the current session towards refining an instrument that could carve out a better future, free of plastic pollution.

9. Welcoming participants to Nairobi and to the third session of the committee, Mr. Ruto said that the threat of plastics to the planet, health and the future was of such magnitude that it required an urgent and truly global response, through the development and implementation of an international instrument. According to the current statistics, unless action was taken, over 1 billion tons of plastic would be produced by 2060, which constituted an existential threat. The work undertaken by the committee thus far was commendable, and augured a monumental shift in the relationship between humankind and the planet. The instrument was eagerly awaited by the international community, and the third session presented an opportunity to convert the zero draft into a plan for international action including measures for reducing plastics production; eliminating problematic and short-lived plastics; investing in solid waste management policies; and ensuring a just transition that left no one behind, particularly workers in informal settings. The zero draft was a product of true environmental multilateralism; a welcome signal that the world was one step closer to ending plastic pollution, one of the biggest contributors to the triple planetary crisis.

10. Kenya was committed to ending plastic pollution, as demonstrated through various policies including the Sustainable Waste Management Act, which had made his country the first to subject all products to extended producer responsibility. He thanked the African Ministerial Conference on the Environment for proposing that the secretariat of the international legally binding instrument on plastic pollution be hosted at the UNEP headquarters, and asked Member States to support that proposal, which would strengthen one of the few United Nations entities headquartered in the global South. Addressing plastics pollution was central to making progress on climate change; investors, multinational corporations and technology companies should therefore shift strategic investments to reduce their plastic waste footprint. Plastic product alternatives without any negative impacts should be explored, and investments should be made in Africa, as its natural resources could be used for such alternatives, which could in turn drive economic growth and the creation of jobs. To address plastic pollution, a paradigm shift was needed in terms of consumption, production and waste disposal, and the instrument was the first step. Lastly, he invited all participants to partake in a national tree-planting initiative currently under way in Kenya.

III. Election of officers

11. Introducing the item, the Chair proposed that the committee proceed to the election of the Chair of the intergovernmental negotiating committee at its fourth session. Consistent with the statement made by the representative of Colombia on behalf of the Latin American and Caribbean States at the first session of the committee, he would step down from his position as Chair of the committee at the end of the current session. As proposed by the Latin American and Caribbean States, and in accordance with the practice within the United Nations of electing candidates from the same regional group for the remaining period of an unexpired term, Luis Vayas Valdivieso (Ecuador) would stand for election for the remaining period of the term, which would include the diplomatic conference of plenipotentiaries. The election of the Chair would be conducted in accordance with rules 11 and 13 of the draft rules of procedure, which applied on a provisional basis to the committee's work.

12. In accordance with rule 45 of the draft rules of procedure that applied to the work of the committee on a provisional basis, the committee would proceed to elect by acclamation the agreed candidates that corresponded to the number of seats to be filled and for whom there were no objections. Furthermore, the change of Chair would only be effective after the adjournment of the session.

13. The committee elected the following chair by acclamation:

Luis Vayas Valdivieso (Ecuador)

14. Mr. Vayas Valdivieso, recalling the words of Mr. Ruto on the existential threat posed to life and humanity by the plastics crisis, said that ending plastic pollution required collective efforts, given the magnitude of the issue faced. Plastic pollution was scientifically proven to have major, adverse and alarming impacts on human health and the environment. Therefore, the committee shouldered a significant responsibility, not to eliminate all plastics, but rather to end plastic pollution. He encouraged a spirit of open communication, which would be exemplified by his own open-door policy, as well as consultations between countries. In particular, countries with diverging views should seek to build bridges and foster shared understanding, with a view to advancing the work of the committee. Moreover, he expressed commitment to working with the whole committee and the secretariat to support efforts to eliminate plastic pollution. In the light of the interconnections between plastic pollution and the other elements of the triple planetary crisis, listening to the scientific community and the diverse relevant stakeholders was key, as their work was constantly evolving. The mission of the committee would be accomplished through collective efforts, with a view to delivering on the mandate provided by the Environment Assembly and the work of the committee at its first, second and third sessions.

15. Turning to the election of the vice-chairs from the Eastern European States and the Latin American and Caribbean States, the Chair recalled that, following the resignation of Mr. Heinma (Estonia) as Vice-Chair, he had invited the Eastern European States to nominate a candidate for the one vacant seat for the Eastern European States. On Thursday, 16 November, the Vice-Chair from Georgia had reported that, following a silence procedure, Harry Liiv (Estonia) had been nominated for the vacant seat for the Eastern European States. Mr. Meza-Cuadra would stand for election to take the place of Mr. Vayas Valdivieso as Vice-Chair representing the Latin American and Caribbean States on the Bureau for the remaining period of his term. In accordance with rule 45 of the draft rules of procedure of the committee that applied to the committee's work on a provisional basis, the committee would proceed to elect by acclamation the agreed candidates that corresponded to the number of seats to be filled and for whom there were no objections.

16. The committee elected the following vice-chairs by acclamation:

Harry Liiv (Estonia)

Gustavo Meza-Cuadra (Peru)

IV. Organizational matters

A. Adoption of the rules of procedure

17. Introducing the sub-item, the Chair 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.3/3, would apply to its work on a provisional basis until their adoption, with the exception of the bracketed rule.

18. He also recalled that, at its second session, the committee had decided to adopt an interpretive statement relating to rule 38, paragraph 1, of the draft rules of procedure, which had been included in the note by the secretariat that accompanied the draft rules.

19. While the Chair had held consultations on the draft rules of procedure with a number of delegations during the intersessional period, more time was needed to consider the matter further. His consultations would therefore continue, and he proposed that his successor should continue in that vein in the intersessional period.

20. Responding to a request for reassurance from one representative that paragraph 1 of rule 38 would not be invoked, the Chair reiterated his commitment to discussions being held in the spirit of cooperation and consensus, noting that he counted on all members to demonstrate that spirit by participating in the session without resorting to paragraph 1 of rule 38.

B. Adoption of the agenda

21. The committee adopted the following agenda on the basis of the provisional agenda (UNEP/PP/INC.3/1):

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 fourth 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

22. The intergovernmental negotiating committee agreed to organize its work as described in the scenario note for the session (UNEP/PP/INC.3/2), the proposed programme available on the website for the session, and as further outlined in the Chair's reflection note.

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

23. The Chair recalled that the committee, at its second session, had decided to hold its fourth session in Ottawa in April 2024, and its fifth session in the Republic of Korea in the second half of

2024. He also recalled that offers had been made at the first session of the committee by the Governments of Ecuador, Peru, Rwanda and Senegal to host the diplomatic conference of plenipotentiaries mandated by resolution 5/14 in mid-2025 and suggested that the committee take note of the offers, with a view to deciding on the dates and venue at its fourth session.

24. The Executive Secretary informed the committee that the Government of Canada proposed holding the fourth session of the committee and one day of regional consultations at the Shaw Centre in Ottawa during the period 21–30 April 2024, and had provided a substantial financial contribution to the secretariat for the organization of the session. Invitations to the fourth session had already been circulated by the secretariat and registration was open on the dedicated website for the session. Applications for travel support could also be made on the website and visa and general information were also available. Canada had also provided a booth at the present session where information was provided on its visa application process.

25. The representative of Canada said that her country was committed to hosting inclusive, constructive and meaningful negotiations at the fourth session of the committee that would allow for a productive exchange of views and progress to be made towards the development of the instrument.

26. The representative of the Republic of Korea, recalling that the President of the country, Yoon Suk Yeol, had expressed his strong commitment to addressing plastic pollution at the summit of the Group of Seven held in Hiroshima in May 2023, said that he was delighted to announce that the fifth session of the committee would take place in Busan, Republic of Korea, between 25 November and 1 December 2024. Busan not only had excellent conference facilities and infrastructure but was also being transformed into a green smart city and was a candidate city for the World Expo 2030.

27. One representative recalled that delegations at the second session of the intergovernmental negotiating committee had been assured that visas for the fourth session would be issued well in advance of the session and that, should it not be possible to ensure such issuance, alternate arrangements would be made for the meeting to be held at the headquarters of the secretariat. Another representative drew attention to the difficulties often faced by representatives from African countries in obtaining visas, as not all countries had consulates or embassies in every African country. He requested support, including financial support, from the secretariat in that regard.

28. The committee decided that its fourth session would be held for a total of seven days within the period 21–30 April 2024 in Ottawa and its fifth session would be held in Busan from 25 November to 1 December 2024.

29. The representative of Rwanda submitted an offer from the Governments of Rwanda and Peru to co-host the diplomatic conference of plenipotentiaries in Kigali, reflecting the shared commitment of the two countries to environmental multilateralism and the critical process of developing and adopting an ambitious instrument on plastic pollution. The representative of Peru recalled that his country and Rwanda had promoted resolution 5/14, on the basis of the belief that only global decisive action would allow the intergenerational responsibility of safeguarding the planet to be met, and said that the joint offer also included an “early action” conference to be held in Lima following the diplomatic conference of plenipotentiaries in order to work towards the swift and effective implementation of the instrument. The representative of Senegal recalled that his country also remained a candidate to host the diplomatic conference of plenipotentiaries.

30. Several representatives, including one speaking on behalf of a group of countries expressed their gratitude to the Chair for his leadership of the session and to all those who had contributed to the success of the session.

E. Provisional agenda of the fourth session

31. The Chair recalled that, in accordance with rule 3 of the draft rules of procedure being applied to the work of the committee on a provisional basis, the committee was invited to review the draft provisional agenda for its fourth session set out in a conference room paper circulated by the secretariat.

32. The committee agreed to forward the draft provisional agenda as set out in the conference room paper for consideration and possible adoption by the committee at its fourth session.

F. Attendance

33. Representatives of the following States attended the session: Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso,

Burundi, Cabo Verde, Cambodia, Cameroon, Canada, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Cuba, Czechia, 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, Guyana, Holy See, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kiribati, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Marshall Islands, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Montenegro, Morocco, Mozambique, Nauru, Nepal, Netherlands (Kingdom of the), New Zealand, Niger, Nigeria, Niue, 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, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Suriname, Sweden, Switzerland, Thailand, Timor-Leste, Togo, Tonga, 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, Yemen, Zambia, Zimbabwe.

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

35. The following intergovernmental organizations and other entities were represented as observers: Asian Development Bank, International Bamboo and Rattan Organization (Inbar), International Chamber of Commerce, 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

36. 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).

37. A total of 309 non-governmental organizations were also represented as observers. The list of participants is set out in document UNEP/PP/INC.3/INF/3.

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

38. Introducing the item, the Chair drew attention to the zero-draft text of the international legally binding instrument on plastic pollution, including in the marine environment (UNEP/PP/INC.3/4), noting that it was intended to facilitate and support the work of the committee in the development of that instrument. The zero-draft text reflected the objective and mandate of United Nations Environment Assembly resolution 5/14 and attempted to capture the range of views expressed during the first and second sessions of the committee, including by presenting various options, while ensuring coherence, logic and readability of the text. As some issues had not been fully explored by the committee in previous sessions, gaps remained in the text. Members were encouraged to use the opportunity afforded by the present session to fill in those gaps and to improve on the draft text.

39. He recalled that the zero-draft text was not intended to prejudge the committee's decisions on the content or structure of the future instrument. He invited the committee to identify convergence of views on options or on the removal of options, and on gaps and ideas on ways to address them. He also stressed that the committee could decide to remove completely any of the provisions in the text.

40. The Chair also drew attention to the synthesis report of the submissions received on elements not discussed at the second session, such as principles and scope of the instrument (UNEP/PP/INC.3/INF/1), which had been prepared to help inform discussions at the preparatory meeting held prior to the current session.

41. With regard to the zero-draft text of the international legally binding instrument on plastic pollution, including in the marine environment, the representative of the secretariat recalled that the committee had requested the Chair to prepare the zero-draft text with support from the secretariat and had further decided that the preparation of the text should be guided by the views expressed at the first and second sessions of the committee, and that the full range of views should be reflected through options in the zero-draft text. With regard to the approach taken to the drafting of the text by the

secretariat, she noted that indicative placeholders had been used to identify elements that had not yet been discussed in detail by members; that the order of headings was not fixed and did not imply any prioritization; that the draft text reflected possible ways of addressing issues, on the basis of views expressed by members; that the terms “instrument” and “governing body” were only indicative terms, without prejudice to the final designation to be decided by the committee; and that any footnotes were explanatory and not intended to form part of the negotiated text.

42. The co-facilitators of the preparatory meeting, Marine Collignon (France) and Danny Rahdiansyah (Indonesia) delivered a summary of the discussions at the preparatory meeting, held on 11 November.¹

A. Statements

43. The intergovernmental negotiating committee heard statements delivered by representatives of regional groups and other groups of countries.

44. The representative speaking on behalf of the Asia-Pacific States recalled the importance of all participants engaging in good faith in the drafting process and striving to reach consensus in decision-making. A comprehensive life-cycle approach was required to address more directly the issue of legacy, present and future plastic pollution, including in the marine environment. She noted that some of the States in the region had expressed concern that the current draft text was not sufficiently balanced and could focus more on the recovery, removal and remediation of legacy plastic and less on measures that could have wide and unintended socioeconomic impacts and implications. It was important for the instrument to adopt a science-based approach that was complemented by traditional knowledge, knowledge of Indigenous Peoples and local knowledge systems, as well as to improve the circular economy for plastics, taking into account national circumstances and capabilities. When considering obligations under the new instrument, it was vital to consider means of implementation that took into account different national circumstances and capabilities. National action plans should therefore be an essential component of the instrument, allowing for country-driven action. Providing timely, appropriate, and adequate financial and technical assistance, as well as developing modalities for technology transfer on mutually agreed terms, would also be key for the implementation of the instrument. International cooperation and coordination were also vital for achieving the goals of the instrument. She underlined the importance of using the time at the present session wisely, by prioritizing discussions on the basic components needed to implement the instrument and by ensuring that the instrument complemented, and did not duplicate, work under other international instruments.

45. The representative speaking on behalf of the African States said that the countries in the region embraced a comprehensive life-cycle approach to preventing plastic pollution. He therefore called for the sustainable consumption and production of primary plastic and the elimination of problematic polymers, chemicals, products and applications of concern, with measures that ensured full transparency and information disclosure along the entire plastic value chain. As changes in the value chain could lead to the loss of livelihoods and have other negative socioeconomic impacts, it was important for the instrument to take into account national circumstances and ensure a fair, equitable and inclusive transition for affected populations, with special consideration for people in vulnerable situations, such as women, children, youth and waste pickers. The instrument should also prioritize waste prevention and reduction over recycling and waste management. Where waste management was necessary, effective measures were needed to ensure environmentally sound practices at all stages of that process. Furthermore, the instrument should include effective measures to ensure clean-up and remediation of legacy pollution in all environments, and should take into account the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa, as well as applying the Rio Principles to the provisions of the instrument overall. Regarding the financing mechanism for the instrument, a dedicated multilateral fund should be established that would provide necessary, predictable, sustainable and adequate financial resources for countries to ensure they met their commitments under the future instrument. He highlighted the need for capacity-building in the region for institutions and for advanced infrastructures in particular, and for an instrument that facilitated information and knowledge exchange, international cooperation and coordination on the best available science on sustainable consumption and production, research and technologies, and Indigenous knowledge. Regarding the importance of stakeholder engagement, he urged governments to encourage public-private sector partnerships and private sector investments in circular economy approaches along the plastics value chain. He thanked the secretariat for the documentation provided and looked forward to constructive discussion at the present session and clear mandates for intersessional work to allow

¹ Available from <https://wedocs.unep.org/bitstream/handle/20.500.11822/43978/PreparatorMeetingSummary.pdf>.

for a first draft text of the instrument to be ready for consideration at the fourth session. Finally, he requested members to support the call of his region for the secretariat of the future instrument to be hosted in Nairobi, at the headquarters of UNEP.

46. The representative speaking on behalf of the Latin American and Caribbean States welcomed the zero-draft text, which, she said, fully responded to the mandate given at the second session and reflected the views expressed at the first and second sessions. She also underlined the importance for small delegations of holding a maximum of two contact group meetings at any one time to allow for full engagement in discussions. Regarding the instrument itself, it should contain obligations and control measures that covered the entire life cycle of plastics, complemented by voluntary measures, and should take into account the national circumstances and capabilities of developing countries, supported by robust means of implementation. The instrument should also promote the circular economy and international cooperation that would result in sustainable production and consumption of plastics, research and innovation, education and awareness-raising. Developing countries, in particular small island developing States, which were disproportionately affected by plastic pollution, required new and additional financial resources, technology transfer, capacity-building and other means of implementation for the new instrument. The interpretation and implementation of the instrument should be guided by the key principles of international environmental law, including the Rio Principles, and by the principles of just transition, in particular for waste pickers; the promotion and protection of human rights; intergenerational equity; non-discrimination; access to information; transparency and accountability; coherence with existing multilateral environmental agreements; and the use of the best available science, traditional knowledge, knowledge of Indigenous Peoples and local knowledge systems. The instrument should also contain a gender perspective, promote decent work throughout the value chain of plastics, and be science-based. The establishment of a scientific and technical subsidiary body was therefore critical for the effective implementation of the instrument, which should include the identification and adoption of criteria to determine hazardous chemicals and additives, plastic polymers, and plastic products that negatively affected human health and the environment, as well as the evaluation of alternatives. With regard to implementation, a robust financial mechanism was required, which could include, but should not be limited to, the establishment of a new fund, synergies with existing multilateral environmental funds, and the provision of technical assistance and technology transfer programmes on mutually agreed terms. In addition, taking into account the diverse starting points among countries, a phased approach to implementation was required. Regarding next steps, the Chair should be given a mandate to develop the first draft text during the intersessional period on the basis of the views expressed at the present session. A formal intersessional process should be established to discuss means of implementation, technical aspects related to control measures, and criteria for chemicals, polymers, and plastic products.

47. The representative speaking on behalf of the small island developing States reiterated her call for an ambitious, effective and equitable instrument that adopted a full life-cycle approach to end plastic pollution once and for all. The instrument should also provide for new, additional, adequate and predictable means of implementation, as well as a just transition and specific support provisions for small island developing States, including priority access, in particular in areas where those States were disproportionately affected. It was therefore important that the obligations and implementation measures of the instrument should include the full recognition of the special circumstances of small island developing States. Obligations relating to chemicals, polymers and plastic products should be commensurate with the level of harm posed, and clear definitions and processes should be established for the identification of such materials. Furthermore, the design of all obligations and measures should take into account domestic contexts; the availability of safe, accessible, efficient, economically feasible, environmentally sound and sustainable alternatives; and cooperation and coordination with existing relevant frameworks or conventions, as well as ensuring adequate time for transition. The instrument should also prescribe appropriate processes to allow for the use of best available data, science and information, traditional knowledge, knowledge of Indigenous Peoples and local knowledge systems, in order to help inform the compilation of annexes, the development of timetables and the necessary regulatory actions. Turning to the marine environment, she noted that the regulation of abandoned, lost or otherwise discarded fishing gear containing plastic, which was one of the largest sources of marine plastic litter, should not be limited to the waste management section of the instrument. The remediation of legacy plastics in the marine environment, including in areas beyond national jurisdiction, required particular attention, given the urgency of the matter, and should include binding obligations to address past, present and future plastic pollution. Regarding the means of implementation of the instrument, she noted that the priority areas for small island developing States included waste management, recycling, remediation, technical assistance, access to technologies and reporting requirements. In conclusion, she recalled that, given the devastating health, environmental

and socioeconomic impacts of plastic pollution on critical global ecosystems, the instrument needed to encourage strong action from stakeholders at all levels and across all sectors.

48. The representative speaking on behalf of the European Union and its member States recalled that scientific knowledge had shown that plastic pollution was an increasingly pressing global environmental and health issue, and noted that environmental multilateral action was a powerful tool to protect the global environment. It was therefore vital for all participants to engage in negotiations in a spirit of constructive cooperation in order to achieve an ambitious agreement that addressed all possible causes and sources of plastic pollution and contained legally binding obligations throughout the entire life cycle of plastics. It was also important to note that the paradigm shift in the production, consumption and management of plastics and plastic waste also brought with it economic benefits and business opportunities. Turning to the zero-draft text, he said that the European Union and its member States stood ready to begin work on the text, although that text did not reflect all the views that they had expressed at previous sessions, and they were of the view that discussions at the present session would allow all members to acquaint themselves with the views of others and work towards a convergence of views. Those discussions should form the basis of a first draft of the text to be prepared by the Chair for the fourth session of the committee. Discussions at the present session should also lead to the production of a clear road map for intersessional technical work, in order to make best use of the time available and fill any remaining gaps.

49. The representative speaking on behalf of Pacific small island developing States recalled that the vast amount of plastic that ended up in oceans every year was expected to double by 2030 if no action was taken. It was imperative that such a situation was not allowed to continue, as plastics in the Pacific region were threatening food security and human health, undermining critical sectors of the economy, such as tourism and fisheries, and causing a huge financial burden, in particular in relation to waste management. Although plastics had helped to improve lives around the world, that could not be used as an argument to lessen the ambition of the instrument. The modern world was addicted to plastic and the time had come to admit that the addiction was a problem and to change habits globally. The instrument must therefore address the entire life cycle of plastics, with measures applicable to upstream, midstream and downstream stages, including legacy plastics, and that ensured that even the smallest State could fully engage and meet its obligations. Adequate means of implementation were needed, for small island developing States in particular, to ensure that it was possible to revolutionize production and consumption worldwide in the face of the current crisis of pollution and waste.

50. The representative speaking on behalf of the Gulf Cooperation Council said that it was important to recall the importance of plastics to human life and their contribution to the growth of international trade and economies, as well as to the implementation of the Sustainable Development Goals and the achievement of obligations under other international instruments, including ensuring that no one was left behind. Negotiations on the instrument needed to be based on consensus in order to avoid any policies that would be difficult to implement or that would have negative economic or social consequences, including in relation to the supply chain. There was therefore a need for the principles on which the instrument was based to be clear and to take into consideration the circumstances, capacities and potential of all countries into consideration. The instrument should focus on the sound management of plastic waste and guarantee a just transition that would enable countries to have access to the appropriate technologies and innovations, including enhancing the design of plastic to make it more recyclable.

51. The representative speaking on behalf of the Coordinating Body on the Seas of East Asia said that the member countries of that Body were committed to supporting an ambitious, implementable international legally binding instrument. There was a need for regional and global cooperation to drive practical actions against plastic pollution, including by leveraging existing mechanisms such as the regional seas conventions and action plans and the regional nodes of the Global Partnership on Marine Litter, thereby streamlining efforts and reducing duplication. The instrument needed to encourage practical, country-driven initiatives that took into account diverse national circumstances. It should also address all sources of plastic pollution by adopting an entire life-cycle approach that included product design and environmentally sound waste management; consideration of legacy plastics and transboundary flows, including in relation to abandoned, lost and discarded fishing gear; and resource efficiency and circular economy, while recognizing the important role that plastics played in society. There was a need for clear, science-based definitions related to plastic pollution, microplastics, circularity and substances of concern in plastics, as well as a common understanding of truly sustainable and economically viable substitutes and alternatives. One approach that could be adopted was that of extended producer responsibility, which should be appropriately tailored to national circumstances. Turning to implementation measures, she recalled that they should be inclusive, sustainable, impactful and just, and she advocated for the establishment of a scientific advisory body. The governance mechanism for the instrument should be robust and streamlined, building on lessons

learned from other multilateral environmental agreements and allowing for coordinated action with such agreements. The instrument should also allow for reasonable transition times to allow industries and markets to adjust, and should build on existing efforts, including at the regional level, and strive towards greater data comparability and transparency that would in turn enable countries to identify action needed and develop fit-for-purpose and context-specific measures. The provision for developing countries of timely, appropriate and adequate financial and technical assistance in that regard was therefore vital.

52. The representative speaking on behalf of the High Ambition Coalition to End Plastic Pollution said that the zero-draft text provided a good basis for engaging in negotiations at the present session. He reiterated the call for binding provisions in the treaty to restrain and reduce the consumption and production of primary plastic polymers to sustainable levels; eliminate and restrict unnecessary, avoidable or problematic plastics, as well as plastic polymers, chemical constituents and plastic products of particular concern; increase the safe circularity of plastics in the economy, guided by the waste hierarchy; and manage plastic waste in an environmentally sound and safe manner, and eliminate the release of plastics, including microplastics, to air, water and land. The instrument should also contain binding provisions for reporting and transparency across the value chain of plastics, and allow for the mobilization of the necessary means of implementation to deliver action on the ground. He encouraged all members to engage constructively at the present session, with the goal of making substantial progress on the draft text, and requested the Chair to prepare a first draft, on the basis of those discussions, for consideration at the fourth session. Technical work should also be carried out in the intersessional period in order to collate the best available science, data and knowledge to inform the committee in its discussion of the first draft and work towards the common goal of ending plastic pollution by 2040.

53. The representative speaking on behalf of a group of like-minded countries said that the group remained committed to constructive and fair dialogue, taking into account the need for broad participation of all countries and regions. Discussions on the instrument should focus initially on matters that could bring about immediate and effective outcomes. It was imperative for any discussion in contact groups at the present session to have a clear mandate for producing a revised version of the zero-draft text set out in document UNEP/PP/INC.3/4 that reflected all the views expressed as presented, without alteration or interpretation, in order to ensure the inclusivity of the process. The revised document should be presented to the committee for review on Wednesday, 15 November.

54. Representatives of 64 members also made statements on agenda item 4, which are summarized below, as did representatives of 20 observers. The full text of statements made by members and observers, when submitted, can be found on the website for the session.

55. Many of the representatives who spoke expressed thanks to the Chair and the secretariat for the preparation of the zero-draft text and several expressed appreciation for the synthesis report and for the preparatory meeting held on 11 November. Many representatives expressed the view that the zero-draft text, which several representatives said reflected the range of views expressed at previous sessions, was a good basis for discussion in the contact groups. Several representatives said that not all the views expressed during previous sessions had, in fact, been reflected in the document, therefore creating imbalance in the zero-draft text. A number of representatives therefore requested that a more balanced zero-draft be produced and called for the exact wording used by members to be reflected rather than an interpretation thereof, whereas one representative suggested that the zero-draft text be used, as long as any additions, deletions or modifications proposed by members were treated on an equal basis to that text. One representative expressed the strong belief that the zero-draft text did, in fact, prejudice the direction of discussion in the contact groups and therefore was an unsuitable basis for negotiations. Furthermore, a number of representatives noted that elements of the zero-draft text went beyond the mandate of resolution 5/14, in particular in relation to trade, which, they said, was not acceptable.

56. There was general agreement that discussion should continue in contact groups. A number of representatives said that such discussion should focus on completing a first reading of the zero-draft text, with others suggesting that initial discussion focus on non-controversial areas of the zero-draft text and urging the use, where appropriate, of agreed wording from resolutions of the United Nations Environment Assembly and the governing bodies of multilateral environmental agreements. A number of representatives said that the definition of technical terms to be used in the instrument should be established before discussions progressed further. Furthermore, several representatives underlined the importance of recalling that the negotiations should be country-driven and always based on consensus, especially as it was vital for the future instrument to be inclusive in nature.

57. Many representatives emphasized the urgency of tackling the negative effects of plastic pollution on human health and the environment, and some provided details of past and present national actions to address plastic pollution. Several representatives highlighted the need for a robust instrument that was comprehensive, specific, time-bound and measurable, with the ambition of eliminating additional plastic pollution by 2040. Many expressed the view that it was critical to adopt a full life-cycle approach and promote the circular economy with regard to plastics. Several representatives stressed the importance of focusing on the sustainable production and consumption of plastics, including on related research and development. The sound management of waste, including the prevention of leakage of plastic into the environment, was identified by many representatives as the key issue that should be tackled by the instrument.

58. With regard to plastics in general, several representatives recalled that plastics played an essential role in modern daily life and said that it was imperative to note that the instrument was related to plastic pollution in particular. It was therefore critical to differentiate between types of plastic and identify the exact types of plastic and plastic products that may have contributed to plastic pollution. In that regard, many representatives also referred to the Rio Principle on the sovereign right of countries to exploit their own natural resources pursuant to their own environmental and developmental policies, and the need for trade policy measures for environmental purposes not to constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade, in particular with regard to primary plastic polymers. They said that any calls for limits on the production of primary polymers could have unintended and wide-ranging economic impacts, including on the supply chain. A number of other representatives, however, stressed the urgent need to reduce primary polymer production, calling for ambitious and time-bound reduction of problematic and avoidable plastic polymers and products, and several others highlighted the importance of including in the instrument the means to identify, trace and eliminate chemicals of concern, including polymers, including through the elaboration of a list of problematic chemicals.

59. With regard to the principles on which the instrument should be based, most of the representatives who spoke emphasized the importance of the Rio Principle of common but differentiated responsibilities, with many also referring to other Rio Principles, including the polluter pays and the precautionary principles. Many representatives spoke of the need for a just transition; a fair, equitable and inclusive approach; a human rights approach; transparency and accountability; the incorporation of traditional knowledge, local knowledge and knowledge of Indigenous Peoples; the eradication of poverty; the application of extended producer responsibility; and the promotion of reuse, recycling and repair of plastics and plastic products.

60. There was general agreement that the instrument should complement, and not duplicate, the work of other multilateral environmental agreements, including regional agreements, and that cooperation and coordination with international chemicals-related conventions and frameworks and with the 2030 Agenda for Sustainable Development was vital. A number of representatives also deemed it important to ensure that the instrument was in line with the United Nations Convention on the Law of the Sea, and one said that it should be in accordance with the rules of the World Trade Organization.

61. The need for the instrument to adopt a science-based approach that was data driven and used the best available science was underscored by many representatives, with a number also calling for the establishment of a scientific body, which could, they suggested, also be in the form of a science-policy body or socioeconomic-scientific body.

62. Regarding implementation, some representatives noted the importance of binding global and national targets, in conjunction with voluntary measures. Many representatives, recalling the principle of common but differentiated responsibilities, expressed their strong support for the development of national action plans, allowing countries to tailor their obligations according to the specific needs, priorities and capabilities of their countries. A number of representatives also expressed the view that the instrument should not be overly burdensome for countries to implement, thereby making implementation achievable, in particular for small island developing States. One representative, however, said that it was imperative that the wording in the section of the draft text referring to existing plastic pollution, including in the marine environment, should refer to mandatory rather than voluntary measures, echoing the view of many representatives that addressing plastic pollution in the marine environment was of paramount importance. Many representatives underscored the need for coordination with a range of stakeholders, including non-governmental organizations, civil society, academia and the private sector, with one representative noting the importance of collaboration and the development of public-private partnerships at the national level for future implementation of the instrument.

63. Several representatives emphasized the importance of establishing effective mechanisms in society to promote plastic circularity and prevent leakage into the environment. One representative advocated for an annex to the instrument setting out effective measures, both voluntary and compulsory, to be taken upstream, midstream and downstream, and noted the need for integrated and holistic national policies. Several representatives called for accessible, affordable and environmentally friendly alternatives to plastics and plastic products, with some representatives highlighting the importance of government and private sector investment to that end.

64. Many representatives called for adequate support to be provided for developing countries and countries with economies in transition, including through capacity-building, technology transfer under mutually agreed circumstances and technical assistance. Several representatives stressed the need for accessible, adequate, predictable and sustainable financial resources and one emphasized the importance of providing focused, cost-effective implementation support to those most in need. Sustainable waste management was highlighted by several representatives as a key area in which developing countries required assistance. A number of representatives also drew attention to the special circumstances of small island developing States, which, they said, should be reflected in the provisions of the instrument itself, and of archipelagic States and those with extensive coastlines. Several representatives also drew attention to the transboundary nature of plastic pollution and the need to consider in particular the circumstances of downstream countries, with one representative noting that his country had submitted a non-paper for the consideration of the committee on the special attention needed by downstream underdeveloped countries in order to manage cumulative plastic load and protect the adjacent marine environment. Several representatives also emphasized as a priority consideration of the needs of vulnerable groups in particular, including women, children, youth, Indigenous Peoples, coastal communities, and waste pickers.

65. Regarding financing, some representatives expressed the view that the financial mechanism for the instrument should be based solely on a new, dedicated multilateral fund, while others advocated also using existing financial mechanisms, such as the Global Environment Facility. Yet others said that financial support could be mobilized from a range of sources, including the private sector. Some representatives said that existing financial mechanisms should be used, with one representative noting that such an approach would avoid a wait of several years while a new fund was established and another emphasizing that access to funding should involve as little bureaucracy as possible.

66. Several representatives expressed support for the hosting of the secretariat of the new instrument in Nairobi.

67. With regard to intersessional work, some representatives called for a focus on technical work, including on principles; the definition of key terms; means of implementation, including the financial mechanism; and annexes to the instrument. One representative said that her country could not support any intersessional work on technical issues that was not accompanied by intersessional work on financing, and another stressed the importance of conducting work in an inclusive manner, with equitable geographical and gender representation. One representative called for clear mandates and timetables for the work, while another proposed the establishment of an open-ended working group. Several representatives supported giving the Chair a mandate to prepare a first draft of the text, on the basis of the discussion at the present session, for consideration by the committee at its fourth session.

B. Establishment and work of contact groups

68. Subsequently, the intergovernmental negotiating committee decided to establish two contact groups in order to identify areas of consensus and narrow down potential options using the text set out in the annex to document UNEP/PP/INC.3/4 as the guiding reference for their work. The mandate of contact group 1, to be co-facilitated by Axel Borchmann (Germany) and Gwen Sisor (Palau), was to focus on the elements set out in part I on the objective(s); and in part II of the annex to document UNEP/PP/INC.3/4. 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 parts III and IV of the annex to document UNEP/PP/INC.3/4. Following the discussions in the contact groups, the co-facilitators were to prepare a co-facilitators' summary of the discussions to be presented to the committee.

69. The committee also decided to establish a third contact group. The mandate of contact group 3, to be co-facilitated by Marine Collignon (France) and Danny Rahdiansyah (Indonesia), was to consider the elements addressed in the synthesis report and inputs from members for the placeholders in the zero-draft, focusing on elements that had not been discussed at the second session of the committee, taking into account discussions at the preparatory meeting held prior to the current session and intersessional work; to consider the needs and timelines identified for relevant intersessional work, if any, on the substantive matters discussed in contact group 3; and to prepare recommendations with

respect to possible intersessional work and its modalities for issues identified in contact groups 1, 2 and 3, based on the relevant work in those contact groups. Following the discussions in the contact group, the co-facilitators would prepare a co-facilitators' summary of the discussions to be presented to the committee.

70. The Chair also proposed that the co-facilitators of each contact group report to the committee on progress in the work of that group.

71. One representative expressed the desire to engage in a constructive discussion on the elements contained in the synthesis report, notwithstanding the fact that the report had been made available only two weeks prior to the opening of the current session. Consequently, internal consultations were ongoing and needed to be finalized before a position could be presented by her delegation. Another representative highlighted the role of downstream countries as the main actors in preventing marine littering, noting that they should therefore be accorded special attention in the discussion in contact group 3, with a view to ensuring proper waste management, a just transition and resolution of the issue of legacy plastic, among other objectives.

72. Several representatives expressed concerns about the proposal to discuss definitions in contact group 3, given that discussions would simultaneously be under way in contact groups 1 and 2, and requested clarification on how effective interlinkages could be ensured between the contact groups. In that connection, various representatives also raised concerns with regard to the scheduling of the contact group meetings, proposing that the meetings of contact group 3 be postponed until after the meetings of contact groups 1 and 2 had been held. Clarification was also sought by one representative regarding how the outcomes of contact group 3 would be reflected in the zero-draft, given its distinction from the other two contact groups.

73. Some representatives, including one speaking on behalf of a group of countries, said that the proposed schedule accommodated the concerns expressed by some delegations, for example it ensured consideration of elements that had been missing in the zero-draft at an earlier stage of the meeting. Another noted that the consideration of definitions in contact group 3 would be appropriate, given its strong interlinkages with scope, which was also within the mandate of that contact group.

74. The Chair said that, given the interlinkages between the mandates of all three contact groups, the co-facilitators of all three contact groups would ensure close coordination on the progress achieved with regard to linked elements and devise strategies to address possible overlap and, where necessary, consult on specific interlinkages.

75. The Chair further invited members with text proposals to submit them to the secretariat in writing by 10 a.m. on Thursday, 16 November.

76. Subsequently, the committee heard reports from the co-facilitators of the three contact groups on progress in the discussions of those groups. Following the report by the co-facilitator of contact group 2, one representative, supported by several others, requested that the report of contact group 2 take note of the fact that, during the group's meetings, some members had expressed a preference for the establishment of a new financial mechanism in order to provide full support for the new instrument. One representative, however, stated a preference for using an existing financial mechanism, in order to make the process smoother and faster, while another representative expressed her preference for the establishment of a new financial mechanism within an existing financial institution.

77. Following further work in the contact groups, the co-facilitators of the three groups presented updated reports on the discussions of those groups.

78. With regard to contact group 1, one representative said that the text should be appropriately streamlined to respect the principle of sovereignty of countries, and that further emphasis should be placed on the provision of support to developing countries by developed countries, which was critical to the achievement of a just transition. Another representative pointed out that one text was missing under section 5 and must be included prior to the closure of the session.

79. On contact group 2, one representative highlighted the need for the report to clearly indicate sources of support for financial and technical capacity-building in developing countries, while drawing attention to the leveraging role of public funds in the treatment of plastic waste. Another representative, speaking on behalf of a group of countries, said that contact group 2 discussions should not be reopened, as any additional text proposals could be sent to the secretariat and integrated into the final outcome text, without disrupting the existing text. However, they also said that they would not oppose any decision by contact group 2 to validate the final outcome text. Another representative, also speaking on behalf of a group of countries, recognized that while all substantive work had been

completed in contact group 2, continuation of the text validation process would be highly beneficial, thus enabling the revised zero-draft to be validated by members.

80. Turning to contact group 3, one representative said that the part of the discussion on exemptions under the provisional scope had not been reflected in the report of the co-facilitators, nor had the proposals relating to mergers in the first two articles. On merger options, one representative pointed out that one issue needed to be repeated in a second paragraph for the sake of consistency, noting that she would send the proposal to the secretariat. Various representatives drew attention to the fact that the contact group reports available online were not up to date, and that certain inputs were missing. One representative asked for clarification of the way forward for discussions in contact group 3 and another highlighted the general need for a focus on common ground rather than disputed areas, to enable discussions to be concluded in a positive manner.

81. Contact group 2 required additional time to complete its work and contact group 3 was requested to address the status of the final revised version of the zero draft once the work of contact group 2 had concluded.

82. Subsequently, the committee heard further reports from the co-facilitators of contact groups 2 and 3. Contact group 2 had completed its mandated work, and contact group 3 had addressed the status of the final revised version of the zero draft. Contact group 3 also continued to consider intersessional work but had not reached agreement with regard to proposing recommendations for such work. The merged texts prepared by the co-facilitators of contact groups 1 and 2 on the basis of the compilation of in-session submissions and of statements from members on the zero-draft text during the third session had been validated by members, making the texts the outcome documents of those two contact groups.

83. The summary by the co-facilitators of contact group 1 of the group's discussions is set out in annex I to the present report, while the summaries by the co-facilitators of contact groups 2 and 3 of those groups' discussions are set out in annexes II and III, respectively. The annexes are reproduced without formal editing.

84. The committee took note of the reports given by the co-facilitators of the three contact groups and of the merged texts put forward by contact groups 1 and 2, and the outcome document of contact group 3. Furthermore, the committee requested the secretariat to compile the merged texts from contact groups 1 and 2 together with the outcome document of contact group 3 into a single revised draft text, following the outline of the zero-draft text. The committee also requested the secretariat to standardize the formatting of the document, and to correct any clear typographical errors in the document, without making any substantive changes to its contents, and to make the text available in English on the website of the Committee by 31 December 2023. The committee agreed that the revised draft text would serve as the starting point and basis for textual negotiations at the fourth session, without prejudice to the right of any member to propose additions, deletions or modifications to the text for the new instrument during that session.

VI. Other matters

85. No other matters were raised.

VII. Adoption of the report

86. The intergovernmental negotiating committee adopted the 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

87. A number of representatives requested that the consideration of agenda item 4 on the preparation of an international legally binding instrument on plastic pollution, including in the marine environment be resumed, as members were close to reaching consensus on the mandate for intersessional work. Several representatives, however, objected to the resumption of discussions, with one representative noting that, as interpretation was no longer available at the present meeting, any discussion in plenary on the issue would be in breach of rule 51 of the draft rules of procedure being applied to the work of the committee on a provisional basis. In the light of the objections raised, the Chair did not reopen consideration of agenda item 4.

88. Following the customary exchange of courtesies, the session was declared closed at 11 p.m. on Sunday, 19 November 2023.

Annex I*

Contact group 1: Co-facilitators' summary of discussions¹

1. The contact group was co-facilitated by Ms. Gwen Sisior of Palau and Mr. Axel Borchmann of Germany and reviewed part I (text on the objective) and part II of the annex to the Zero Draft (document 3/4), and mandated to consider:

(a) The zero draft and inputs from Members to be incorporated in a revised version of the Zero Draft; and

(b) inputs on the possible relevant intersessional work, if any (to be reported to the plenary on Thursday and communicated to Contact Group 3 for further elaboration).

2. The group met for 10 sessions from 14 to 18 November, and started with interventions on objective under part I and the 13 elements under Part II of the zero draft. The interventions focused on concepts, preferences of options, and proposals of new texts.

3. Delegations were invited to send written submissions to the secretariat for compilation, the secretariat then compiled the written submissions, and posted the compilation of revised zero draft text in batches. Members' proposals were captured and included as alternative options, as additional paragraphs and as proposals for no provisions.

4. The first round of discussions was concluded on Thursday 16 November at 10pm. The second round of discussions started from 11 am on Friday 17 November, with a review of the compilation text uploaded in batches. Members were then invited to review and validate the compiled text and bring to the attention of the Co-facilitators and the Secretariat any missing text proposals or any incorrectly captured text proposals.

5. The co-facilitators prepared in the meantime possible mergers for Members' proposals, which the group went through on Friday 17 November and 18 November, with the exception of the possible mergers for Members' proposals on Part II. 11, which was uploaded in the morning of 19 November, and Members were invited to send their comments in track changes to the secretariat.

6. The outcome(s) of Contact Group 1 is uploaded on the INC-3 website under contact group 1, in-session documents. These outcomes include the Co-facilitators' full compilation of the revised zero draft text (version 18 November), updated Co-facilitators' full compilation of the revised zero draft text (version 19 November), the Co-facilitators' compilation of revised zero draft text after the first round of discussions uploaded after the second round of discussions, and the Possible mergers for Members' proposals.

7. Overall, Members had rich and constructive discussions. Varied views were expressed on the different options of the zero draft, and in some elements, new proposals, including null options, were added.

Co-facilitators' summary of the discussion

I. Part I Objective

8. There were converging views that the objective should include ending plastic pollution, the protection of human health and environment, including in the marine environment, from plastic pollution. Different views were expressed on whether to put the primary focus on ending plastic pollution or on protecting human health and the environment, including the marine environment.

9. Many stressed the need for the instrument to encompass the full life cycle of plastic while others were of the view that this was better placed in the scope section. A number of Members supported adding Sustainable Development in the objective.

* The present annex is reproduced without formal editing.

¹ The outcome documents of the contact groups are available at:

<https://wedocs.unep.org/bitstream/handle/20.500.11822/44086/CG1MergersCompilation.docx?sequence=1&isAllowed=y>, <https://wedocs.unep.org/bitstream/handle/20.500.11822/44087/CG2MergersCompilation.docx>, <https://wedocs.unep.org/bitstream/handle/20.500.11822/44084/CG3Outcome.docx?sequence=1&isAllowed=y>

10. Reference was made to just transition and the inclusion of all sources of pollution. Many pointed out to UNEA 5/14 as a basis, with some highlighting the need for consistency with other MEAs.
11. There was some agreement that the objective should be broad, with some emphasizing it needed to be concise, short and constructive.
12. A few Members expressed support for timebound target, while others expressed reluctance to that proposal. Some members suggested that targets could be dealt with in other sections of the instrument, and one Member stated that timebound targets could only be considered if based on best available science.
13. A number of Members supported the option of managing both the utilization of plastics and plastic waste, while contributing to the achievement of sustainable development. A few members stressed that the focus of the instrument should be plastic pollution and waste management, while some Members considered this was not an objective but a means.
14. Other points made included consideration of all workers in the life cycle of plastics, technical support especially for SIDS, inclusion of the reference to other aquatic systems like cross boarder rivers, and definitions.
15. A few delegations made suggestions on the Spanish translation.

II. Part II

A. Primary plastic polymers

16. Many Members were in favour of including in the new instrument provisions to prevent and mitigate the potential adverse impacts on human health or the environment from the production of primary plastic polymers, while a group of Members objected to the inclusion of this element and suggested a null option for the element.
17. A few members disagreed with the inclusion of polymers or primary polymers across the instrument. Other views expressed included focusing on primary plastic polymers of concern to human health and the environment, or problematic and avoidable polymers not suitable for a safe circular economy. There were divergent views on whether to include market-based measures or fiscal incentives. Other views included the need to take into account national circumstances of developing countries, the special circumstances of SIDS, socio-economic and cultural impacts of measures, as well as base measures on science and on the availability of adequate alternatives or substitutes. Divergent views were expressed on the consideration of the common but differentiate responsibility and respective capabilities. Different views were expressed on the content and status of the annex.

B. Chemicals and polymers of concern

18. Divergent views were expressed. While there was broad support for measures on the use of chemicals, groups of chemicals, a group of Members objected to the inclusion of this element in the future instrument and requested adding a null option.
19. A number of Members warned against duplication with other MEAs should be avoided. It was also pointed by some Members that chemicals and polymer are two different concepts.
20. Various views were expressed on globally harmonized information. Different views were expressed on Annexes.
21. Support was expressed on the need for science-based, risk-based, hazardous-based approaches and safe and non-toxic circularity. Some cautioned against technical barriers that could disrupt trade.
22. The availability of alternatives, Indigenous Knowledge, and limited capabilities for small states were emphasized. Attention was also paid to vulnerable groups including waste pickers, women and youth, who are at most risk.
23. A subsidiary body was proposed to address amendment of the list of chemicals and polymers of concern overtime.
24. A group of Members suggested merging elements 2. 3. and 4 to propose measures adapted to the level of risks while allowing flexibility

C. Problematic and avoidable plastic products, including short-lived and single-use plastic products and intentionally added microplastics

25. Various views were expressed on the options of the zero draft. A group of Members expressed support for a null option.

26. Some Members stressed the need for exceptions for essential uses, in particular from the medical or food sectors. Some countries cautioned about possible adverse impacts of measures on vulnerable populations and workers, including waste pickers, in particular in developing countries.

27. Some Members requested language on means of implementation, development of a list of criteria or list of products, such as cigarette filters, alternatives, science-based approach, traditional knowledge, and consideration of human health and the environment, technological availability, feasibility and accessibility, and the need to avoid harmful alternatives or substitutions. Some highlighted the consideration of national circumstances.

28. There was general support for addressing microplastics, with some indicating the need for more work on defining.

D. Exemptions available to a Party upon request

29. Some Members have expressed openness to discuss this element further, with others emphasizing the need to wait for the conclusion on substantive discussions on other matters. Views were expressed on the procedure and expiration periods. Other Members expressed reservations about the inclusion of exemptions.

E. Product design, composition and performance

30. There was broad recognition that this element is important and Members expressed their varied views on this element, its subparts and its options.

31. A number of Members supported option 1 throughout all 4 sub-elements, with global criteria, targets, minimum recycled plastic contents to be included, and not encouraging research and development of plastic alternatives. The waste hierarchy and 3R principle were stressed by some.

32. Other Members supported option 2 throughout all 4 sub-elements, allowing nationally determined measures, taking into account national circumstances. Some Members pointed out that there should be no direct reduction of primary plastic polymers, and the measures taken should be contingent on availability of technical, social and economic feasible alternatives and substitutes, based on life cycle assessments.

33. There was request for definitions under this element, and reservation was expressed until such clarity is provided. There was expression that the development of annex is not supported.

34. A few Members selected a mixture of options, with preference for global criteria for design and performance, and nationally determined measures for the rest of the sub-elements.

35. One Member proposed a new article with a sector and product specific approach, which could include packaging, fishing, agriculture and textiles with the reference that the prioritization of sectors should be further elaborated. Under this article, some members also referred to the need to ensure the safety of water and food.

36. Some Members discussed whether bio-based alternatives should be included or not.

F. Non-plastic substitutes

37. There was broad support of this element, with some suggesting that this element should be moved to 5.d (alternative plastics and plastic products), or 5.b (reduce, reuse, refill and repair of plastic and plastic products).

38. Science-based approach, full life cycle approach, cooperation mechanism, schemes to encourage sustainable solutions, national circumstances were mentioned.

39. There was also a mention of encouraging scientific community and industry to develop substitutes.

G. Extended producer responsibility

40. Many Members stated that EPR is crucial and there is broad support for the polluter pays principle as a core element of the treaty, with emphasizing producer accountability, and some also referring to CBDR.

41. Some Members see EPR as one of several instruments and therefore propose a no option. Consideration was also given to placing EPR under element 9 on waste management. Few members proposed a new option and emphasized the sovereign right of each country and national capabilities.

42. Several members pointed out the link to just transition and the importance of waste pickers. The flexibility for SIDS was raised.

43. Several members consider the sectoral approach.

44. One member referred to innovative solutions such as crediting systems.

45. It was requested to review the Spanish translation on the term of EPR.

H. Emissions and releases of plastic throughout its life cycle

46. Many Members expressed support for the element, stressing the importance of preventing emissions and releases of plastic throughout the life cycle. Some called for changes in the scope of the provisions, questioned the potential overlap with other provisions such as the one on waste management and pointed to issues that could be more appropriately addressed under other provisions. The challenge of tackling unintentional emissions and releases of microplastics was highlighted, with a sectoral approach in that regard also proposed. Some members asked for main sources of emission and release pathways to be identified. Applying best available technique and best environmental practices and promoting technological innovation were considered important.

I. Waste management

47. There was varying levels of support among members for the various options set out in the zero-draft document. Repeated mention was made of the importance of consistency and avoiding duplication with existing international instruments and mechanisms such as the Basel Convention, with reference to its technical guidelines on the environmentally sound management of plastic waste, and those under IMO and FAO. It was also important to take into account national circumstances including existing national measures on waste management and varying national capacities for plastic waste management for which financing and technology transfer would need to be considered. The importance of just transition was highlighted. Proposals for taking a sectoral approach and gradual implementation of provisions were made. On the issue of fishing gear, some members stressed the need for the instrument to address fishing gear throughout its life-cycle and existing pollution from such, with proposals for alternative placement of the related provisions while others called for their deletion.

J. Trade in listed chemicals, polymers and products, and in plastic waste

48. There was varying levels of support among members for the various options set out in the zero-draft document. Some members expressed reservations about or called for the deletion of this provision from the instrument or were opposed to restrictions on trade. Some indicated that provisions to apply to chemicals only. Many pointed out that any trade measures should not go beyond WTO rules, should be based on sound scientific evidence and apply global standards. It was pointed out by some that trade with non-Parties should be included. Many members asked to avoid duplication with the Basel Convention that adequately covers the transboundary movement of plastic waste and that provisions of the new instrument should address gaps, non-hazardous plastic waste and aim at restricting illegal traffic. For some members, promoting transparency in trade was important. The special circumstances SIDS, including limited plastic waste recycling capacities, should be taken into account.

K. Existing plastic pollution, including in the marine environment

49. There was general support on the importance of provisions to address existing plastic pollution in diverse ecosystems. Some members argued that stronger provisions were necessary for the instrument to be effective. The importance building on existing instruments such as MARPOL and local, traditional knowledge and Indigenous Knowledge was stressed. Measures on assessing the current state of plastic pollution, including at the national level, and monitoring plastic in the

environment were proposed. The need to sharing of information on relevant technologies and apply common approach collect data was highlighted. Members drew attention to existing national actions, varying capacities and need for adequate financing. There were divergent views on measures to be applied beyond national jurisdiction.

L. Just transition

50. This element was considered crucial by many Members, with special consideration given to Indigenous Peoples and vulnerable groups, women and youth, and recognition of the importance and integration of waste pickers. Some Members made explicitly reference to the inclusion of Indigenous Peoples in the text. In addition, several Members called to refer to the term waste pickers, which must be defined and to also included more strongly in the provision. One Member referred to a clear link to the means of implementation for justice, another to the reduction of inequality. The measures could be included in the national plans.

M. Transparency, tracking, monitoring and labelling

51. Many supported this element and stressed the importance of promoting transparency, and global harmonized labelling and information disclosure to enable informed decisions, while ensuring complementarity with existing efforts, such as the global chemicals framework. Reporting obligations were stressed. There was support to disclosure chemicals composition on a publicly accessible database.

52. There was also support to universal obligation for producers and importance to provide information on chemicals included.

53. Some emphasized national circumstances, with one suggestion being to include this element under national plans. It was also suggested to move this element under element 5 on product design. Exporters were suggested to be added for the obligation to disclose harmonized information on the chemical composition of all plastics and plastic products throughout their life cycle.

54. Some opposed covering primary plastic polymers under this provision. It was also pointed out that no trade barriers should be created by this provision.

55. Intersessional work was also proposed for monitoring and tracking.

56. Written submissions sent to the secretariat included proposals on the annexes, but no discussions were held in the meetings on the matter.

III. Intersessional work

57. The following points were raised by members for intersessional work:

(a) Common target or global targets and timeline for managing and/or reducing the global production and supply of primary plastic polymers including baselines of polymers, levels of sustainable consumption impacts on GDP

(b) Criteria for identifying chemicals and polymers of concern and a list of such chemicals and polymers

(c) Criteria for problematic and avoidable plastic products, short-lived and single-use plastic products, impacts of bans, and a list of such products

(d) Exemptions

(e) Minimum sustainable design and performance criteria, including circularity criteria

(f) Minimum reduction, reuse, refill and repair targets

(g) Health and environmental impacts of micro- and nanoplastics

(h) Sources of emissions and releases, methodologies for monitoring existing plastic pollution

(i) Establishment of minimum reduction, reuse, refill and repair targets

(j) Sectoral approaches

(k) Life-cycle management of fishing gear

(l) Modalities for EPR

(m) Financial needs to meet provisions

(n) Trade issues

(o) Definitions: Primary plastic polymers, bio and fossil-based; Chemicals and polymers of concern; Problematic and avoidable plastic products, including short-lived and single-use plastic products; Microplastics; Alternative plastic products; Open dumping; Just transition; Producer

58. On the way forward with the possible mergers, the groups considered that the merged texts should serve as the starting point for further work.

Annex II*

Contact Group 2 Co-facilitators' summary of discussions¹

1. Contact Group 2 on Parts III and IV of the zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment (document UNEP/PP/INC.3/4) was co-facilitated by Ms. Kate Lynch (Australia) and Mr. Oliver Boachie (Ghana). During the plenary session on the morning of Tuesday, 14 November, the group was mandated to review part III and part IV of the zero draft. It was invited to consider the draft and inputs from members to be incorporated in a revised version, and inputs on possible relevant intersessional work, if any (this was to be reported to the plenary on Thursday, 16 November and communicated to Contact Group 3 for further elaboration).
2. The group met for six sessions from Tuesday, 14 to Saturday, 18 November 2023. The first three sessions were devoted to discussion of the zero draft text of the international legally binding instrument on plastic pollution, including in the marine environment (document UNEP/PP/INC.3/4). Delegates were invited to submit text proposals on the zero draft to the Secretariat by 10am on Thursday, 16 November. On Friday, 17 and Saturday 18 November, the contact group had the opportunity to review, during a second reading, the textual comments submitted by Members throughout the week in compilations of revised zero draft text for each provision of Parts III and IV. The contact group was then invited to consider an example streamlined text prepared by the co-facilitators on one such provision and express their preferences as to the presentation of streamlined text for the remaining provisions.
3. Throughout the sessions, the co-facilitators took note of any intersessional work requested by the group, a compilation of which was presented to the stocktaking plenary on the afternoon of Thursday, 16 November and shared with contact group 3 which was mandated to, among others, prepare a draft proposal and timelines for intersessional work for consideration by the committee.
4. The contact group met for its first session on the afternoon of Tuesday, 14 November. The co-facilitators shared guidance on the mandate of contact group 2, the timeline for the week, information on submission of textual proposals by delegates for inclusion in a revised version of the zero draft and the proposed scheduling of the work. During the first three sessions of the contact group, the co-facilitators proposed to move through the provisions in Parts III and IV in the order they were presented in the zero draft. During this first exchange, members would be given the opportunity to provide their views and consider the views of others. In providing their views, members were invited to express their views on their preferred options from those set out in the zero draft (if any); suggested amendments to improve current options in the zero draft; alternative options, proposed for consideration by members; a preference for non-text (that is, no specific provision on a matter); and any specific work that should be undertaken during the intersessional period to support consideration of the relevant issue. In terms of intersessional work, delegates were invited to reflect on which priority topics and minimum requirements for outcomes of intersessional work would be required to reach an agreement on an instrument at INC-5, what might be the expected outputs of intersessional work and its expected contribution to the INC process.
5. Following the introductory guidance provided by the co-facilitators, members were invited to consider Part III.1 of the zero draft on financing. Members were invited to provide general reflections on the draft text and to signal their preference for a potential option 1 of a financial mechanism that would constitute a newly established dedicated Fund(s), option 2 for which a mechanism would consist of a dedicated Fund within an existing financial arrangement, a hybrid of the two options, or any other arrangement. Members reflected on sources of funding for such a mechanism, which could consist of, among others, domestic and international, public and private, access to the mechanism and potential priority to be given to certain groups of countries, types of activities the mechanism could support, governance arrangements and other potential sources of financial flows. Several suggestions were made for intersessional work that might assist members to further progress discussions on these issues.
6. The second session of the contact group on the morning of Wednesday, 15 November, focused on Part III.2 of the draft on capacity-building, technical assistance and technology transfer and Part

* The present annex is reproduced without formal editing.

¹ The outcome documents of the contact groups are available at:

<https://wedocs.unep.org/bitstream/handle/20.500.11822/44086/CG1MergersCompilation.docx?sequence=1&isAllowed=y>, <https://wedocs.unep.org/bitstream/handle/20.500.11822/44087/CG2MergersCompilation.docx>, <https://wedocs.unep.org/bitstream/handle/20.500.11822/44084/CG3Outcome.docx?sequence=1&isAllowed=y>

IV.1 national plans. In considering capacity-building, technical assistance and technology transfer, members reflected on who should provide such support to assist developing countries in implementing their obligations under a future instrument, the role of any governing body in keeping under review such arrangements and cooperation and coordination with other entities and initiatives to increase the effectiveness of such support. The transfer of up-to-date environmentally sound technologies to address plastic pollution, the terms by which such technologies could be shared, and the role of innovation and investment in pursuit of such new technologies and solutions was also discussed.

7. Under Part IV.1 on national plans, members considered the role such plans would have in the implementation of the instrument, potential formats for preparation of the plans, the timing of communication of initial plans to the governing body and any potential review and update to national plans and their transmission to the governing body, as appropriate. While there was strong convergence on the need for national plans, there remain different views among members as to whether national plans should be the primary obligation of parties under the future instrument, a tool for implementation of the instrument, or both. The option to collaborate on the preparation of sub-regional or regional plans was discussed, in addition to any reporting on progress in the implementation of national plans that might be required.

8. The third session of the contact group, later that afternoon, covered discussions on Parts IV.2-8, on implementation and compliance, reporting on progress, periodic assessment and monitoring of the progress of implementation of the instrument and effectiveness evaluation, international cooperation, information exchange, awareness raising, education and research, and stakeholder engagement, respectively.

9. On Part IV.2 on implementation and compliance, members considered the type of mechanism that could be instituted to facilitate implementation of, and promote compliance with, the provisions of a future instrument. Potential elements for a facilitative mechanism were discussed, which could take the form of a committee, and the modalities and procedures for its operation were considered. Its relationship to the governing body and the potential composition and terms of its membership were commented upon, with the importance of a balanced representation of any such mechanism being underscored. The process by which any implementation and/or compliance issues might be brought before such a mechanism was extensively discussed, with different procedures involving the Parties, the governing body or the secretariat being considered.

10. For Part IV.3 on reporting on progress on the measures taken to implement the provisions of this instrument and on the effectiveness of such measures, discussions were initiated on the two options presented in the zero draft: the first for a comprehensive approach as outlined in option 1, which might include information closely aligned with the obligations of the instrument as outlined in Part II of the zero draft, including statistical data on types and volumes of its production, imports and exports of plastic polymers and products. Those supportive of option 2 were in favour of a more streamlined approach to reporting, taking into account different national capabilities and circumstances.

11. On Part IV.4 of the zero draft, effectiveness evaluation was acknowledged as an important element of the instrument. Different views were expressed on the purpose of the effectiveness evaluation, with proposals being made to expand the purpose to include the effectiveness of commitments. The value of the evaluation process to identify challenges and opportunities was highlighted. Different views were expressed on what type of information should be the basis of the evaluation, with some members emphasizing that only national reports and plans can be the basis of such evaluation, and some indicating that it is too early to discuss what the basis of such evaluation could be. There were different views expressed on the timing of discussions on possible review of chemicals and polymers of concern, microplastics and problematic and avoidable products, with some members noting the link between obligations being discussed by contact group 1 and this review and the need to wait for further developments on those discussions. Different views were also expressed on the scope of the review, with some members indicating that polymers of concern should not be part of what is to be reviewed.

12. Members concluded their first reading with an exchange of views on the remaining elements in Part IV.5-8 on international cooperation, information exchange, awareness-raising, education and research and stakeholder engagement, respectively. Any gaps in the relevant sections of the zero draft were highlighted with members agreeing to submit textual suggestions for inclusion in a revised draft in advance of the second reading.

13. At the conclusion of the third session of the contact group and the first reading of the zero draft, the co-facilitators outlined the approach that would be taken to develop compilation text for all elements within Parts III and IV of the zero draft. Accordingly, during the fourth session of the contact

group, which convened on the morning of Friday, 17 November, members were invited to consider the compilation text that had been made available online² by the Secretariat on Part IV.2 on implementation and compliance, Part IV.4 on periodic assessment and monitoring of the progress of implementation of the instrument and effectiveness evaluation and Part III.1 on financing. In preparing the compilations, efforts had been made by the co-facilitators and secretariat to capture all textual suggestions submitted and relayed in the contact group. The members were asked to verify completeness of the text compilations and subsequent versions were developed to capture any missing textual elements that had been raised by members and to correct any misrepresentations of the submissions made. Members were also asked to suggest areas of the text that could be streamlined in an attempt to remove duplication and simplify or consolidate the text.

14. This process was continued during the fifth and sixth sessions of the group, which were convened during the afternoon of Friday, 17 November and the morning of Saturday, 18 November, respectively. The members considered the compilations for the remaining elements in Parts III and IV of the zero draft, verifying the drafts for completeness and providing any suggestions for streamlining. Following consideration of the compilations, a proposal from the floor, that the co-facilitators be asked to undertake work to streamline the text for each element in Parts III and IV and present these for consideration by the members was agreed.

15. During the final session, the co-facilitators presented one such example of streamlined text to the group and invited reflections by members on the approach. The members expressed support for the approach taken by the co-facilitators and requested that they provide for each element the proposed streamlined text and an accompanying draft showing the process through which the text was consolidated. Due to time constraints, there was no time during the contact group sessions to consider and endorse the streamlined text developed by the co-facilitators. Instead, the members agreed that the co-facilitators would continue their efforts to streamline the text compilations in the lead up to the final plenary of INC-3, taking into account any suggestions made during the discussions, and to make these available online³ and append them to the present report, for consideration of the committee.

16. In conclusion, the outcomes of contact group 2 on Parts III and IV of the zero draft are presented as follows:⁴

- (a) Co-facilitators' compilations of revised draft text proposed (all elements in Parts III and IV) as validated by the contact group;
- (b) Co-facilitators' proposals to streamline compilations of revised zero draft text (all elements in Parts III and IV);⁵
- (c) Preliminary list of proposed areas for intersessional work identified during discussions of contact groups 1 and 2 (published on the INC webpage, under the section for contact group 3).

² <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>

³ <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>

⁴ All documents are available at: <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>

⁵ These have been prepared by the co-facilitators and have not been reviewed or endorsed by contact group 2.

Annex III*

Contact Group 3 Co-facilitators' summary of discussions¹

I. Co-facilitators

1. Contact group 3 was co-facilitated by Ms. Marine Collignon of France, and Mr. Danny Rahdiansyah of Indonesia.

II. Mandate

2. The contact group was mandated to consider the elements addressed in the synthesis report on elements and inputs from Members for the placeholders in the Zero Draft; consider needs and timelines identified for relevant intersessional work, if any, on the substantive matters discussed by contact group 3; prepare recommendations with respect to possible intersessional work and its modalities for issues identified in contact groups 1, 2 and 3, informed by the relevant work in these contact groups.

III. Overview and summary of discussions

3. The group met for 8 sessions from 14 November to 18 November. Over the course of the week, the group also heard a number of interventions by observers.

4. The group's work is summarized below.

A. On the elements addressed in the synthesis report

5. The group met five times to consider the elements addressed in the synthesis report on elements not discussed at INC-2.

6. Between 14 and 16 November, the group completed a first consideration of all elements addressed in the synthesis report, building on the discussions in the preparatory meeting. At the Thursday plenary, the co-facilitators reported on this work as described below.

1. Part 1

a. Preamble

7. With respect to the preamble of the agreement, the discussions confirmed a generally shared view that it should be short and concise and reflect the history and context of, and set the tone for, the instrument.

8. While some members considered the synthesis report provided a starting point for the development of the preamble, other considered that the elements reflected in the synthesis report could benefit from streamlining to make the text more concise.

9. Several members indicated that the development of preambular language could build upon UNEA resolution 5/14 as well as the language found in other multilateral environmental agreements, including the Minamata Convention.

10. A view was also expressed that the preamble may need to be finalized at a later stage of the process, after the substantive provisions have been developed, and that it may not need to detail the nature of the actions to be taken under the instrument.

b. Definitions

11. On definitions, there was interest in exploring the use of relevant existing definitions in multilateral instruments, including multilateral environmental agreements (MEAs) and trade- or

* The present annex is reproduced without formal editing.

¹ The outcome documents of the contact groups are available at:

<https://wedocs.unep.org/bitstream/handle/20.500.11822/44086/CG1MergersCompilation.docx?sequence=1&isAllowed=y>, <https://wedocs.unep.org/bitstream/handle/20.500.11822/44087/CG2MergersCompilation.docx>, <https://wedocs.unep.org/bitstream/handle/20.500.11822/44084/CG3Outcome.docx?sequence=1&isAllowed=y>

standards- related instruments, as a starting point, while noting the need to ensure the suitability of adopted definitions to the instrument.

12. The possibility was raised of conducting technical work on specific terms relating to plastics and plastic pollution, with possible input from experts, to support an understanding of terms that may be relied on in the instrument. At the same time, many members considered that discussions on definitions should be informed by, and follow, relevant discussions within other contact groups.

13. Although the list of terms potentially requiring a definition in the synthesis report was identified as a good starting point, a number of Members identified additional specific terms or definitions not identified for consideration in the Synthesis and requested additional time to provide inputs.

14. A proposal was made for the secretariat to invite any further inputs from Members on possible definitions and to prepare a working list of possible definitions, to be presented at INC-4.

c. Principles

15. The discussions suggested a shared understanding that a number of principles are relevant and important to the instrument. Many delegations referred to the same principles, including many of the Rio Principles, as referred to in UNEA resolution 5/14.

16. Much of the discussion on principles centered around how these should be incorporated in the instrument, and whether a dedicated provision is needed for this purpose. Overall, the following three approaches, or a combination of them, were suggested to reflect principles relevant to the instrument:

- (a) referring to relevant principles in preambular language;
- (b) a dedicated provision identifying principles to guide the instrument; and/or
- (c) incorporating the relevant principles in the substantive provisions through which they are made operational.

17. The potential implications of one or the other approach were discussed, including the possibility that a different approach may be appropriate depending on the nature of the principle at issue. It was also suggested that a final decision on references to principles should be taken in light of the relevant substantive provisions.

d. Scope

18. Discussions in the contact group confirmed a shared understanding that UNEA resolution 5/14 provides the basis for identifying the scope of the future instrument. There was also a shared understanding that this entails the long-term elimination of plastic pollution based on a comprehensive approach addressing the full life cycle of plastics. There also appeared to be a common understanding that all sources of plastic pollution would fall within this scope.

19. Different views were expressed on the need for a dedicated scope provision, and what such provision might contain, if included. Overall, three options seemed to prevail:

- (a) no specific scope provision being included in the instrument;
- (b) a short scope provision essentially reflecting the language contained in UNEA resolution 5/14; or
- (c) a detailed scope provision addressing additional aspects, including with respect to what exactly might be covered as part of the “full life cycle” of plastics, including in terms of material, geographical and/or jurisdictional coverage.

20. Differences of views arose specifically in relation to the possible contents of a detailed scope provision, due to different perspectives on which specific aspects should or should not be the basis for substantive obligations under the instrument. As was noted by some delegations, this discussion revealed different interpretations of what the life cycle of plastics encompasses.

2. Part 2: institutional arrangements and final provisions

a. Governing body

21. There was broad convergence on the establishment of a conference of the parties (COP) as main governing body for the instrument. Views also converged on the possibility of developing the relevant provisions based on those under existing MEAs. It was also suggested that the potential functions identified in the Synthesis report could serve as a starting point, though the final list of

functions of the future COP would need to be confirmed later in the process in light of the substantive obligations to be agreed and should be clearly circumscribed.

22. It was further broadly suggested that the governing body should take decisions by consensus. Some highlighted in addition that voting should be allowed only if all reasonable efforts to reach consensus had failed. It was also suggested that the governing body should have the authority to adopt its own rules of procedure at its first meeting.

b. Subsidiary bodies

23. There was broad support for subsidiary bodies to be established, with well-defined mandates, either in the instrument or as needed by the governing body. The need for such bodies to be inclusive, representative and gender-balanced was highlighted. It was also suggested that subsidiary bodies could be established in a gradual basis, and that the need for such bodies, and their features, would depend on the needs of the instrument considering its substantive provisions.

24. Reference was made in particular to the following possible subsidiaries:

- (a) a scientific, technical and socio-economic body, including for information-sharing, identification of chemicals and products to be possibly addressed in the instrument, assessments and recommendations;
- (b) a compliance and implementation committee (though the view was also expressed that matters related to compliance should be left to national jurisdiction);
- (c) a clearing house mechanism for exchange of information;
- (d) a committee to manage the financial mechanism, including to monitor financial flows for developing countries, consider availability of resources and funding for developing countries and transfer of technology
- (e) a committee on means of implementation;
- (f) a committee to evaluate the effectiveness of the instrument.

c. Secretariat

25. There was broad support for the establishment of a secretariat. Some members suggested that draft language on the secretariat should be developed based on the text of existing MEAs, including that of the Minamata Convention, and the potential functions identified in the Synthesis Report.

3. Part 3. Final provisions

26. Some members were of the view that text on final provisions could be developed based on the text of existing MEAs, such as the Stockholm or Minamata Convention, adapted to the context of the instrument. Other members referred to document UNEP/PP/INC.1/8 as a possible basis for the development of draft text. Some members highlighted preferences or concerns with respect to specific provisions, including those concerning non-parties, the settlement of disputes, or voting rights.

27. Many Members supported the development of final provisions at a later stage by a legal drafting group to be established by the INC, taking into account the inputs provided by Members in the run up to and at INC-3.

28. For all these elements, the co-facilitators' assessment was that this initial round of discussions reflected allowed substantial progress in gaining a much better understanding of Members' respective positions, identifying areas of potential convergence, and articulating the range of options under consideration where views are not yet fully convergent.

29. On this basis, the group entrusted the co-facilitators to develop a document to support further negotiation, including, where possible, preliminary draft text. On this basis, the co-facilitators prepared a document entitled 'Co-Facilitators' proposal regarding Part I, Part V and Part VI of the zero draft text', and a compilation of written submissions on elements addressed in the synthesis report, which were both made available on 17 November.

30. The co-facilitators' proposed document was intended to provide, together with inputs received from Members, a starting point for the integration of the issues addressed in the Synthesis Report into the draft text of the instrument, through a combination of preliminary draft text language where possible, and of options identified at a conceptual level based on discussions in the group, where it did not seem possible to include draft text at this stage.

31. This document was discussed on 17 November in the afternoon. Delegations generally welcomed the document, but some expressed a preference to go further in the incorporation of the different elements proposed by Members in some parts of the text. It was therefore agreed that the co-facilitators would revise specific aspects of the document, including the draft preambular language, to capture additional concepts based on Members' inputs. A revised version of this document was made available at midday on 18 November and considered in the group that afternoon. An agreement was reached on a final version of this document as part of the outcome of the working group.

32. It was also agreed that a working document compiling all definitions proposed by Members would be prepared by the Secretariat, and that Members would be invited to provide any further inputs on definitions for inclusion in this document.

B. On possible intersessional work and its modalities

33. The contact group first considered intersessional work on Thursday evening, with the benefit of the inputs shared by both contact group 1 and contact group 2 on possible intersessional work in their respective areas at the stocktaking plenary on Thursday.

34. It was clear that there is much interest in conducting intersessional work. At the same time, the need to be realistic about what can be undertaken between now and INC-4 was stressed, given the very limited time between INC-3 and INC-4, and the limited resources of the Secretariat. The Secretariat informed the contact group that the deadline for preparation of all documentation for INC-4 is 24 January 2024, and that no additional translation or interpretation resources would be available for meetings not already scheduled.

35. The group discussed proposed intersessional work in two sessions. There was convergence on some basic features of intersessional work, including the fact that it should be inclusive and informative in nature to help the negotiation and build a better understanding between members and not prejudice decisions by the committee. The output of inter-sessional work would be in a form of information document for INC 4.

36. A number of potential topics were identified for intersessional work, under two broad streams: technical and scientific, and financial aspects and means of implementation.

37. Potential areas identified for technical work included:

- (a) Chemicals and polymers of concern and problematic and avoidable plastic products, including intentionally added microplastic
- (b) Primary Plastic Polymers
- (c) Design and performance criteria
- (d) Circularity of plastics
- (e) Extended Producer Responsibility (EPR)
- (f) Waste Management
- (g) Fishing and aquaculture gear
- (h) Downstream underdeveloped countries

38. Potential areas identified for work on financial aspects and means of implementation include:

- (a) a mapping of public and private financial flows related to the objectives of the future instrument, and opportunities to align them;
- (b) work on existing approaches to financing and financial mechanisms, including identifying the resources, modalities, and resource mobilization, under other multilateral environmental agreements as well as lessons learned;
- (c) innovative approaches to financing, considering the polluter pays principle.

39. A range of potential modalities was identified for the conduct of such intersessional work, including the possibility of technical expert work, open-ended or in smaller setting with regional and gender balance, in-person or hybrid.

40. The possibility of a mandate for the establishment of a legal drafting group was also identified, to be launched at INC-4 – or later - to work during the INC, or intersessionally between INC-4 and INC-5, on final provisions for the instrument, taking into account exchanges and inputs shared at

INC-3. Further mandates might also be given to the legal drafting group by the INC, including on ensuring the consistency of text.

41. Based on these elements, the co-facilitators presented some proposals for recommendations with respect to possible intersessional work and its modalities for consideration by the Committee.

42. In conclusion, the outcomes of contact group 3 are as follows:

- (a) Compilation of written submissions on elements addressed in the Synthesis Report;
- (b) Proposals regarding Part I (preamble, definitions, principles and scope), Part V and Part VI of the zero draft; and
- (c) Proposals for recommendations on possible intersessional work and its modalities.²

² As noted in paragraph 82 of the present report, Contact Group 3 did not reach agreement with regard to proposing recommendations for intersessional work. Language in paragraphs 41 and 42(c) has been adjusted to reflect this. The co-facilitators' proposal for intersessional work are available at <https://www.unep.org/inc-plastic-pollution/session-3/documents/in-session#ContactGroups>.