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**Intergovernmental negotiating committee to develop
an international legally binding instrument on plastic
pollution, including in the marine environment
Fourth session**
Ottawa, 23–29 April 2024

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 fourth 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. The fourth session of the intergovernmental negotiating committee was held at the Shaw Centre in Ottawa from 23 to 29 April 2024.

II. Opening of the session

3. The fourth session of the intergovernmental negotiating committee was declared open by Luis Vayas Valdivieso (Ecuador), Chair of the intergovernmental negotiating committee, at 10.20 a.m. on Tuesday, 23 April 2024.
4. Opening statements were delivered by Mr. Vayas Valdivieso, Chair of the intergovernmental negotiating committee; Inger Andersen, Executive Director of UNEP; Steven Guilbeault, Minister of Environment and Climate Change of Canada; and Jyoti Mathur-Filipp, Executive Secretary of the intergovernmental negotiating committee.

5. Welcoming participants, Mr. Vayas Valdivieso expressed his gratitude to the Government and people of Canada for hosting the fourth session and to Member States for placing their trust in him and his predecessor as Chair. He also thanked the secretariat and his team for their support. Commending members and stakeholders for the work done to prepare for the fourth session, he said that it showed a shared commitment to deliver a legally binding instrument that matched the scale of the threat of plastic pollution to human health and the environment. He expressed the hope that participants would infuse the negotiations with the spirit of International Mother Earth Day, which had been celebrated on the eve of the fourth session and served as an annual reminder to defend, protect and nurture the shared home that was the Earth. He stressed that the negotiations by the committee, which were a show of faith in the role of multilateral cooperation to provide the solutions needed to end plastic pollution, should be guided by accountability and integrity, grounded in scientific evidence, and approached with optimism. Certain regions, countries and communities were especially vulnerable to plastic pollution, which did not recognize national boundaries. For that reason, the range of national circumstances and capacities to tackle plastic pollution must be considered, and the challenges of implementation, transformation and transition recognized. No less consideration should be given to the economic, social and environmental costs of the status quo for all countries, or to the potential economic opportunities of tackling plastic pollution. Emphasizing his commitment to building shared understanding and identifying areas of convergence, he said that the world was counting on participants to deliver an instrument that would catalyse and guide the action and the international cooperation needed to deliver a future free of plastic pollution.

6. Acknowledging at the outset that the fourth session was being held on the unceded territory of the peoples of the Anishinabe Algonquin Nation, Ms. Andersen highlighted that two years had passed since the United Nations Environment Assembly, in resolution 5/14, had given the green light for the negotiation of an instrument to address the full life cycle of plastics. To stop plastic pollution, it was necessary to use fewer virgin materials and problematic plastics and to reduce exposure to harmful chemicals, while designing for circularity. An instrument that achieved such changes was essential to protecting human and ecosystem health. It should also ensure a just transition and space for the private sector to thrive in a new and sustainable economy. Much progress had been made, not only in the previous three sessions of the committee, but in the growing global backing for an end to plastic pollution. Civil society, including Indigenous Peoples, scientists, waste pickers, women's groups and local communities, had demanded change. Businesses innovating new products were asking for clear long-term global rules and, supported by the Finance Initiative, some 160 financial institutions representing \$15.5 trillion in assets had recently signed the Finance Statement on Plastic Pollution.

7. The committee at its fourth session must narrow the options of the draft text and agree a mandate for intersessional work in order to finalize the instrument at its fifth session. Crucially, the right policy and legal environment must be established, with binding rules and obligations and a "start and strengthen" approach. Points of convergence in that area were emerging: on eliminating problematic and avoidable uses, such as short-lived and single-use plastics, while recognizing the need for plastics for specific uses, including electrical installations, transport, construction and renewable energy technologies; on redesigning systems, products and packaging, building on existing standards and initiatives and the growing number of proposals from Member States and consumer goods champions; on extended producer responsibility schemes, on which increasing numbers of countries were legislating; on innovative funding for implementation, in both the public and private sectors; on ensuring a just transition, with growing agreement that waste pickers must be part of the solution in order to deliver new, decent jobs; on the need to address legacy pollution; and on the need for a reporting framework to ensure real progress and trust were built through transparency. On other parts of the draft instrument, the degree of convergence varied, including on chemicals and polymers of concern, but she was confident that credible and implementable pathways could be found. To do so, bridges must be built with the science-policy panel to contribute further to the sound management of chemicals and waste and to prevent pollution, which was also under negotiation, and lessons must be learned from other multilateral environmental agreements. In conclusion, recalling that the Environment Assembly, in resolution 5/14, had requested her to convene a diplomatic conference of plenipotentiaries for the purpose of adopting the instrument and opening it for signature, she urged participants to think beyond the fifth session; they could be proud of what they had achieved, but the job was not yet done.

8. Mr. Guilbeault began by thanking the Algonquin peoples for protecting the land on which the fourth session was taking place, which was part of their traditional territory. Mid-way through the twentieth century, plastics, which were cheap and disposable, had become the epitome of modernity. Echoing the words of the UNEP Executive Director, he said that the disposable consumer culture had created a throwaway generation, which must now itself be jettisoned. Miracle solutions did not exist, and recycling, bans or innovation alone would not deliver what was needed. A new global consensus

was required to end the costly, inefficient and harmful waste of plastics. The entire life cycle of plastics and pollution must be addressed, from production to design and elimination. The instrument under negotiation represented another step towards sustainability, after the Paris Agreement of 2015 and the Kunming-Montreal Global Biodiversity Framework of 2022. The instrument must include the elimination or restriction of problematic waste, avoidable products and chemicals of concern, as well as the establishment of targets and design criteria to enable reuse and recycling. The protection of human health must be at the heart of the instrument, and the committee's decisions should follow the substantial evolution of science on the problems caused by the omnipresence of plastics. Canada would do its utmost to promote an ambitious and effective agreement, and would invest an additional \$10 million towards the Global Plastic Action Partnership, with the hope of building on the existing 16 partnerships with developing countries. It would also contribute \$5 million to the blue economy programme of the World Bank, PROBLUE. Participants had a once-in-a-generation opportunity to craft an ambitious, effective instrument. That could only be achieved by listening to all voices, which was why his Government was hosting the partnerships day, a side event that aimed to create an open space in which diverse points of view could be expressed, especially those of Indigenous communities, who were on the frontlines of plastic pollution and were often marginalized, and of young people, who would inherit the waste of the present generation.

9. Ms. Mathur-Filipp began her remarks by acknowledging that the fourth session was taking place on the tribal lands of the Algonquin peoples. She thanked 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 welcomed the new Chair and thanked the Bureau members for their guidance and the secretariat for its work, as well as colleagues from across the United Nations system, including various UNEP divisions and the secretariats of multilateral environmental agreements. Noting that the progress made in negotiations to date embodied multilateralism at its best and that challenges should be expected, and difficult decisions and conversations should not be left until the last minute, she urged participants to deliver a text that was as close as possible to the final agreement sought.

III. Election of officers

10. The committee was informed that no election of officers was anticipated at the current session.

IV. Organizational matters

A. Adoption of the rules of procedure

11. 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.4/2, would apply to its work on a provisional basis until their adoption, with the exception of the bracketed text in rule 37.

12. 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.

13. Noting his belief that the committee would continue to work in a spirit of cooperation and consensus, he recalled that the draft rules of procedure would continue to apply to the work of the committee on a provisional basis, as decided at its first session, and that the committee would continue to bear in mind the interpretive statement adopted at its second session.

14. Responding to a request for reassurance from one representative that paragraph 1 of rule 38 would not be invoked before the rules of procedure were formally adopted, 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

15. The committee adopted the following agenda on the basis of the provisional agenda (UNEP/PP/INC.4/1)

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;
 - (e) Provisional agenda of the fifth 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

16. The intergovernmental negotiating committee agreed to organize its work as described in the scenario note for the session (UNEP/PP/INC.4/4), the proposed programme available on the website for the session, and as further outlined in the Chair's guidance on the proposed establishment and mandate of the contact groups available on the website for the session.

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

17. The Chair recalled that the committee, at its third session, had decided to hold its fifth session in Busan, Republic of Korea, between 25 November and 1 December 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 that an offer had been made at the third session of the committee by the Governments of Peru and Rwanda to co-host the diplomatic conference of plenipotentiaries.

18. The Executive Secretary informed the committee that the Government of the Republic of Korea proposed holding the fifth session of the committee and one day of regional consultations in Busan, Republic of Korea, during the period 25 November–1 December 2024. The dates had been agreed following careful consideration of the committee's schedule and the calendar for other multilateral environmental bodies. The secretariat was working in close cooperation with the Government of the Republic of Korea to coordinate the fifth session of the committee, and invitations were expected to be sent out within the coming weeks.

19. The representative of the Republic of Korea said that her country was committed to supporting the process of the intergovernmental negotiating committee and the circular economy through the establishment of an international legally binding instrument on plastic pollution by the end of 2024. Her country would provide an inclusive and constructive environment for the fifth session, with the facilities necessary for effective negotiations and the active engagement of all stakeholders. The Busan Exhibition and Convention Centre, which was the venue for the fifth session, had an extensive track record of hosting international conferences and high-level meetings, and was conveniently located in the heart of Busan with easy access to hotels and transport links. The Republic of Korea eagerly anticipated welcoming all participants to Busan in November 2024.

20. The representative of Rwanda recalled the joint proposal by his country and Peru to host the diplomatic conference of plenipotentiaries in Kigali and an "early action" conference in Lima, given the need for global partnership to end plastic pollution. The representative of Peru noted that the proposal was a clear compromise that served to strengthen international cooperation and unite global efforts on plastic pollution. The timing and location for the diplomatic conference of plenipotentiaries

should be considered, with a view to enabling logistical and budgetary arrangements to be made efficiently. The representative of Senegal recalled that her country also remained a candidate to host the diplomatic conference of plenipotentiaries. The representative of Ecuador also highlighted the candidacy of his country to host the diplomatic conference of plenipotentiaries in the Galapagos Islands, a world heritage site that served as a model for the sustainable use of biodiversity, and which was increasingly threatened by plastic pollution that often originated in other countries. However, before taking that decision, focus should be given to the current challenge of reaching an ambitious agreement.

E. Provisional agenda of the fifth session

21. 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 fifth session, as set out in a conference room paper circulated by the secretariat.

22. One representative proposed that the fourth session of the committee be suspended, to be reconvened in an additional, second part of the session prior to the fifth session, in order to make progress with a view to concluding the work by the end of 2024. A number of representatives said that they did not consider it possible to convene an additional, second part of the session.

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

F. Attendance

24. Representatives of the following States attended the session: Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Cabo Verde, Cambodia, Cameroon, Canada, Chad, Chile, China, Colombia, Comoros, Congo, Cook Islands, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Czechia, Democratic Republic of the Congo, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, 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, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kiribati, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lesotho, Liberia, Libya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Marshall Islands, Mauritius, Mexico, Micronesia (Federated States of), Monaco, Mongolia, Morocco, Mozambique, Nauru, Nepal, Netherlands (Kingdom of the), New Zealand, Nicaragua, Niger, Nigeria, Niue, North Macedonia, Norway, Oman, Pakistan, Palau, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, South Sudan, Spain, Sri Lanka, State of Palestine, Sudan, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Tonga, Trinidad and Tobago, Tunisia, Türkiye, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Zambia, Zimbabwe.

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

26. The following intergovernmental organizations and other entities were represented as observers: Asian Development Bank, Association of Southeast Asian Nations (ASEAN) Centre for Biodiversity, Central American Integration System, Economic Research Institute for ASEAN and East Asia, Global Environment Facility, International Chamber of Commerce, International Network for Bamboo and Rattan, International Union for Conservation of Nature, Ministerial Conference on Fisheries Cooperation among African States Bordering the Atlantic Ocean, Organization of Eastern Caribbean States, Organisation for Economic Co-operation and Development, Organization of the Petroleum Exporting Countries, World Bank.

27. The following United Nations bodies, secretariat units and convention secretariats were represented as observers: Food and Agriculture Organization of the United Nations, International Atomic Energy Agency, International Civil Aviation Organization, International Labour Organization, International Maritime Organization, Office of the United Nations High Commissioner for Human

Rights, Ozone Secretariat, secretariat of the Basel, Rotterdam and Stockholm conventions, secretariat of the Convention on Biological Diversity, United Nations Conference on Trade and Development, United Nations Development Programme, United Nations Environment Programme, United Nations Global Compact secretariat, United Nations Industrial Development Organization, United Nations Institute for Training and Research, United Nations Office for Disaster Risk Reduction, United Nations Office on Drugs and Crime, World Bank, World Health Organization, World Trade Organization.

28. A total of 459 non-governmental organizations were also represented as observers. The list of participants is set out in document UNEP/PP/INC.4/INF/5.

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

29. Introducing the item, the Chair drew attention to the revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment (UNEP/PP/INC.4/3), recalling that the committee had agreed at its third session that the revised draft text would be the starting point and basis for textual negotiations at the current session, without prejudice to the right of any member to propose additions, deletions or modifications in the course of the negotiations at the fourth session.

30. The Chair also drew attention to notes by the secretariat on plastic pollution science (UNEP/PP/INC.4/INF/1) and an overview of existing funding currently available for addressing plastic pollution through international funding arrangements (UNEP/PP/INC.4/INF/2), both of which had been updated for the current session.

31. With regard to the revised draft text of the international legally binding instrument on plastic pollution, including in the marine environment, the representative of the secretariat recalled that, at its third session, the committee had requested the secretariat to compile, into a single revised draft text, the merged texts put forward during that session by contact groups 1 and 2 and the outcome document of contact group 3, standardizing the formatting and correcting any typographical errors, without making any substantive changes to the content. The revised draft text had been structured following the outline of the zero-draft text, as requested by the committee, and a limited number of additions had been made, and indicated as such, to reflect inputs that had been omitted from previous outcome documents. Furthermore, she noted that the options outlined in the revised draft text were not presented in any order of priority and that a list of possible annexes, as well as text of draft annexes relating to some of the options identified in the revised draft text, had been included without prejudice to any decision that the committee might take with regard to their inclusion in the future instrument.

32. At the 3rd plenary meeting, on 26 April 2024, the Chair provided an update on his consultations on possible intersessional work to be done between the fourth and fifth sessions. In that regard, he said that he was engaged in consultations with members, including on the development of proposed modalities and content for any intersessional work, and with contact group Co-Chairs and subgroup co-facilitators, who were to bring to his attention specific issues related to intersessional work as they arose. He said that he would keep members informed of progress achieved on the matter.

33. The Chair also drew the attention of the committee to the scenario note set out in document UNEP/PP/INC.4/4, recalling that he had proposed the establishment at the fourth session of a legal drafting group to review any elements of the draft text of the instrument forwarded to it by the committee, in order to ensure that the text was legally sound and to make recommendations on wording to the committee for its consideration. Such a legal drafting group would not consider policy issues and any policy issues it identified in the course of its work would be referred to the committee. Following his consultations, he proposed that the committee establish an open-ended legal drafting group at its plenary session on Monday, 29 April. The committee would also appoint two Co-Chairs of the open-ended legal drafting group. The open-ended legal drafting group, which would commence its work at the fifth session, would be composed of legal experts designated by members. Each member would be invited to designate one legal expert, and members wishing to do so should provide the relevant information to the secretariat by 1 August 2024. The secretariat would then make available on the committee's website the list of designated legal experts expected to participate in the group during the fifth session. Given the nature of the group, participation in its meetings would be limited to members only. One representative, speaking on behalf of a group of countries, expressed support for the proposal outlined by the Chair.

34. Several representatives underscored the importance of the intersessional work that would need to be completed before the fifth session. One representative said that one area of focus for that work

should be a dedicated financial mechanism for the future instrument. Another representative said that discussions should be held as part of the intersessional work to allow for the preparation of high-quality documents.

A. Statements

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

36. The representative speaking on behalf of the Asia-Pacific States reiterated the political commitment of those States to the current process and welcomed the revised draft text as a basis for negotiations at the current session. Furthermore, he said that the negotiations should prioritize those elements contained in resolution 5/14 and should be inclusive and consensus-based. It was important for the differences in national circumstances, capacities and approaches to address plastic pollution to be recognized throughout the future instrument, including by allowing sufficient time for transition within countries and markets. It was also important to identify related activities and gaps in relation to other relevant international instruments in order to achieve complementarity, close gaps and avoid duplication of effort. A circular approach to plastic pollution that took into account the full life cycle of plastics and addressed legacy, present and future pollution should be at the core of the future instrument, underpinned by elements such as improved product design and performance, and environmentally sound waste management. Discussions regarding the core obligations of States under the future instrument needed to be accompanied by consideration of means of implementation, including the provision of timely, appropriate and adequate financial and technical assistance and modalities for technology transfer on mutually agreed terms. Developing countries would also require capacity-building and technical and financial assistance in order to meet the legal obligations of the future instrument. In closing, he underlined the importance of reaching a decision regarding intersessional work, while also respecting the in-session negotiation process, as effective intersessional work would lead to a better understanding among members of outstanding issues and a continuing focus on the key objectives of the future instrument.

37. The representative speaking on behalf of the Latin American and Caribbean States welcomed the revised draft text of the instrument, noting that it reflected the views and positions expressed by the committee, and called for the proposed contact groups and subgroups to be established without delay to allow for the negotiations to continue. She also welcomed the proposed establishment of a legal drafting group. She stressed that the instrument should reflect the key principles of international environmental law, including the principles of the Rio Declaration on Environment and Development, as well as a just transition, including an inclusive transition for waste pickers; the promotion and protection of human rights as a cross-cutting guiding principle; a gender perspective; intergenerational equity; non-discrimination; access to information, transparency and accountability; coherence among existing multilateral environmental agreements; and the use of the best available science, traditional knowledge, Indigenous Peoples' knowledge and local knowledge systems. Regarding definitions, her region supported the inclusion of the terms that were strictly necessary to provide clarity on obligations and facilitate implementation. Progress was needed on the provisions related to polymers and chemicals of concern and problematic and avoidable plastic products, identification of global criteria for the elaboration of initial lists and means of implementation, all of which would require inclusive, formal intersessional work. The best available science should be central during the development of the future instrument and once it entered into force, and in that regard the establishment of a multidisciplinary scientific and technical subsidiary body would be critical. A strong dedicated financial mechanism with new and additional financial resources and capacity-building, technical assistance programmes and technology transfer was also needed to support implementation effectively. Acknowledging the value of the regional and subregional centres of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal and the Stockholm Convention on Persistent Organic Pollutants and the regional seas conventions and action plans and their respective protocols and centres for work on plastics, she called for the use of the existing centres to support the effectiveness of the future instrument, strengthen regional delivery of technical assistance and foster coordination, cooperation and collaboration with other multilateral environmental agreements. At the current session, the countries of her region were committed to working constructively with all stakeholders in the interest of making substantial progress on the development of the future instrument.

38. The representative speaking on behalf of the African States reaffirmed the region's commitment to Sustainable Development Goal 12 and support for measures to achieve sustainable consumption and production of primary plastic polymers and eliminate specific problematic polymers, chemicals, products and applications of concern, while stressing the need to apply the Rio Principles,

particularly the principle of common but differentiated responsibilities. The region advocated product design that enabled a full-life-cycle approach to preventing plastic pollution, and measures that ensured transparency and information disclosure along the entire plastic value chain. The countries of the region were aware of the potential for job and livelihood losses and other socioeconomic impacts of implementation of the future instrument, and therefore called for consideration of national circumstances and priorities to ensure a fair, equitable and inclusive transition, with special consideration for vulnerable communities such as waste pickers. Regarding waste management, the instrument should prioritize waste prevention and reduction over recycling and disposal and include measures to ensure environmentally sound waste management along the entire plastic value chain and life cycle. Given that Africa had become the destination of choice for illegal traders and dumping of plastic waste, the African States wished to see the future instrument tackle illegal traffic and dumping of plastic waste. In terms of the financial mechanism, they favoured a new dedicated multilateral fund and called on the private sector to demonstrate responsibility, transparency, participation and engagement through contributions to the fund. They also called on parties to promote action that would stimulate public-private partnerships and private sector investments in the circular economy. The future instrument should provide for technology transfer, technical assistance and capacity-building to ensure effective implementation, and promote information and knowledge exchange and international cooperation and coordination based on best available science. In closing, he reiterated the region's desire to see the secretariat of the future instrument hosted at the headquarters of UNEP and conveyed its offer to chair the proposed legal drafting group.

39. The representative speaking on behalf of the small island developing States expressed thanks for the revised draft text and for the preparatory meetings, which had allowed members to exchange views on key issues. She reiterated the commitment of the small island developing States to the current process, especially as the future instrument would play a pivotal role in addressing an environmental crisis that disproportionately affected those States. The future instrument should be ambitious, effective and equitable, be based on a full-life-cycle approach to plastic pollution, including in the marine environment, and be supported by new, additional, adequate and predictable means of implementation, including a robust financial mechanism that allowed for a just transition and provided priority access to resources, technology transfer, technical assistance and capacity-building for small island developing States. The future instrument would only be effective if it provided for comprehensive regulation of the use of hazardous, problematic and avoidable chemicals and polymers in plastic production, including for single-use plastics and microplastics. Cooperation and coordination with existing relevant frameworks and conventions should be considered and globally harmonized standards in key areas would be essential for ensuring that the future instrument was sufficiently ambitious. In order to reduce plastic pollution, remediation of plastic pollution in the marine environment, including in areas beyond national boundaries, was critical. Turning to intersessional work, she noted that such work should be formalized and would be vital for the success of the current process. Regarding work at the current session, she called for clear and transparent instructions and mandates for contact groups and any subgroups, in order to support smaller delegations in particular.

40. The representative speaking on behalf of the European Union and its member States, and also on behalf of Georgia, North Macedonia, the Republic of Moldova and Ukraine, said that increased political momentum was required in the final negotiations on an agreement that addressed the entire life cycle of plastics to combat the negative environmental and health impacts of plastic pollution. A paradigm shift, particularly in the upstream value chain, was essential to the sustainable production and use of plastics. The European Union and its member States stood ready to begin work on the draft text to foster a convergence of views and to make progress towards the common goal of ending plastic pollution. All the parts of the draft text should be addressed during the present session to enable negotiations to be finalized by the end of 2024, as foreseen in resolution 5/14. Discussions should also lead to agreement on targeted, inclusive and formal intersessional work, and the establishment of a legal drafting group with a clear mandate.

41. The representative speaking on behalf of the 14 Pacific small island developing States welcomed the revised draft text of the instrument, saying that it reflected delegations' inputs and provided a good basis for negotiations. The delegates of his constituency had travelled far to work with others to craft an effective, ambitious instrument to end plastic pollution and prevent further harm to their islands, whose economies were struggling under the interconnected impact of plastic pollution, climate change and biodiversity loss. Effective cooperation, legally binding measures and support through a comprehensive finance package with adequate means of implementation would be vital for effective implementation. The plastic pollution crisis could not be solved by downstream measures alone, and the future instrument must therefore ensure an overall reduction in plastics and elimination of harmful chemical additives, and include strong transparency and disclosure measures. Various sources of information, including traditional knowledge and the best available science, should be used

to understand the impacts of plastic pollution, which should in turn inform the actions taken under the instrument. The special circumstances of small island States might set them apart but did not diminish their potential to partner as equals in pursuing mutually beneficial outcomes. He stressed that the preventive and responsive nature of the legal measures in the instrument would be of fundamental importance as countries continued to mitigate and adapt to the international environmental and climate crises. For the current session, the Pacific small island developing States supported the proposed method of work. They looked forward to pursuing the discussion in contact groups and subgroups as soon as possible, as well as the formalization of an intersessional work programme. While committed to resolving issues by consensus to the extent possible, the Pacific small island developing States considered it important for the committee to be able to take decisive action.

42. The representative speaking on behalf of the Coordinating Body on the Seas of East Asia said that the member countries of the Body remained committed to constructive negotiations on an ambitious and effective instrument on plastic pollution. Addressing transboundary pollution caused by plastic waste and microplastics was paramount, as was ensuring pollution mitigation and advancing the circularity of plastics. Moreover, the instrument should be comprehensive, pragmatic and based on scientific evidence, while allowing reasonable transition timelines for industries. Scientific and socioeconomic assessments should be conducted, accounting for the traditional knowledge of Indigenous Peoples and facilitating the international exchange of information related to science and technology. Countries should receive support for the effective implementation of the future instrument and the strengthening of national action plans. Meaningful progress required funding, and multisectoral stakeholder engagement was essential to collaboration and knowledge-sharing. The global vision enshrined in the future instrument was key, and should build on existing regional mechanisms. The member countries of the Body looked forward to timely and sustainable arrangements for capacity-building, financial and technical assistance and international cooperation, particularly for nations with limited resources.

43. The representative speaking on behalf of the High Ambition Coalition to End Plastic Pollution underlined the importance of existing scientific evidence of the negative impacts of plastic pollution on the environment and human health; the precautionary approach; General Assembly resolution 76/300 of 28 July 2022 on the human right to a clean, healthy and sustainable environment; and the protection of the human rights of those in vulnerable situations across the plastics life cycle. Common legally binding global rules and control measures based on the best available science were required to limit the consumption and production of primary plastic polymers to sustainable levels; eliminate or restrict unnecessary, avoidable and problematic plastic products, plastic polymers and chemicals of concern; establish global criteria or requirements for products, including for durability, reuse, repair and recycling; ensure a safe circular economy for plastics that protected the environment and human health; achieve the environmentally sound management of plastic waste; eliminate the release of plastics to air, water and land; and remediate and, where feasible, eliminate plastic pollution using the best available techniques and environmental practices. There was a need for reliable information throughout the plastics value chain and binding measures and provisions on transparency, labelling, monitoring and reporting across the full life cycle of plastics, including on the type and quantities of polymers and the composition of plastic materials and products, including chemicals, as well as labelling across plastics value chains to ensure accountability and inform action, while protecting confidential business information not related to the health and safety of humans and the environment. Highlighting the need to mobilize the necessary resources from all sources, including public and private, domestic and international, he said that the coalition's members stood ready to discuss the most appropriate mechanisms for ensuring timely, accessible, recurrent, predictable and adequate financing for implementation and called for ambitious and effective means of implementation while recognizing that in principle all countries should provide domestic resources for their national activities. In addition, they called for the alignment of financial flows and policies to deliver action on the ground, and the elimination of harmful incentives that worked against the goal of ending plastic pollution.

44. The representative speaking on behalf of a group of like-minded countries said that, in line with the mandate of United Nations Environment Assembly resolution 5/14, the draft text should be refined into a concise and actionable document, by way of effective negotiations based on common but differentiated responsibilities and sustainable development. Developed countries should take the lead in addressing plastic pollution, supporting developing countries through financial and technological assistance and technology transfer on mutually agreed terms, and any policy framework must acknowledge national circumstances. Discussions should be focused, constructive and inclusive, and guided by the principles of transition to sustainable practices and equitable waste management solutions. Complementarity was also key in negotiating the future instrument, while avoiding duplication and leveraging existing international frameworks. Despite the need for expediency, the

quality and substance of the agreement must not be compromised during negotiations. Tangible progress was required to lay the groundwork for a successful fifth session and for an instrument that reflected the shared commitment to sustainable development. She reaffirmed the group's unwavering commitment to that process.

45. The representative speaking on behalf of the Gulf Cooperation Council said that the member countries of the Council were committed to ensuring the success of the current meeting and the implementation of resolution 5/14. In order to guarantee the equal treatment of all topics, no more than one parallel meeting should be held during the present session. Consensus should be built through a mutual understanding of diverging opinions, with a view to establishing more economically and environmentally sustainable practices, while recognizing the economic realities and national capacities of all countries. In that regard, developing countries should not be subject to any additional financial burden. Support for scientific research and innovation was also key. Intersessional work should include the prioritization of alternative economies and waste management systems, and knowledge should be shared, particularly expertise on the banning of plastics. The efforts of all Member States should converge around a legally binding instrument, which should adhere to the provisions set out in resolution 5/14.

46. Representatives of 17 members also made statements on agenda item 4, which are summarized below, as did representatives of 16 observers. The full text of statements made by members and observers, when submitted, can be found on the website for the session.

47. Regarding the principles upon which the future instrument should be based, several representatives drew attention to the principle of common but differentiated responsibilities, with many representatives emphasizing the importance of taking into account national circumstances and capabilities. Several representatives noted that, in line with Rio Principle 12, it was vital that any trade policy measures under the future instrument did not constitute a means of arbitrary or unjustifiable discrimination or a disguised restriction on international trade, in particular in relation to developing countries, with one representative underlining the importance of ensuring that the future instrument was in line with the legislation of the World Trade Organization. Representatives also noted the need for a just transition; an approach that focused on human health, environmental protection and sustainable development; the incorporation of traditional knowledge, local knowledge and knowledge of Indigenous Peoples; a circular economy approach; and the protection and empowerment of all workers in the plastics value chain, in particular waste pickers.

48. With regard to the scope of the future instrument, several representatives stressed the importance of remaining firmly within the mandate of resolution 5/14, with a number also noting that the objectives of the instrument should be attainable, effective and realistic, and that there should be the possibility of strengthening the instrument in the future, bearing in mind the importance of respecting independent decision-making by each country and the differing capabilities among countries in managing plastic pollution. A number of representatives expressed their support for a cooperative, voluntary and bottom-up approach to be taken to the implementation of the instrument. Other representatives, however, noted the importance of high ambition in relation to the future instrument.

49. A number of representatives, recalling that plastics were indispensable materials, in particular in the health-care and food sectors, and noting the current low global levels of plastic recycling, expressed the view that improved plastic waste management together with changes in the design and application of plastic products should be at the core of the future instrument. In addition, several representatives said that the future instrument should not contain any restrictions on the extraction of fossil fuels or on materials that were also used in end products other than plastics. Furthermore, one representative cautioned against any restrictions being imposed on primary plastic polymers or chemicals without sufficient consideration of safe and affordable alternatives to such materials, and another representative said that there should not be any restriction or regulation of plastic polymer production, owing to the importance of their use in many critical sectors.

50. Some other representatives, however, expressed the view that it was vital for the instrument to cover not only plastic waste but also plastic production, and for it to be the first multilateral agreement with legally binding and globally harmonized requirements for transparency of information on chemicals and polymers in plastic materials and products, as well as traceability of the information in individual plastic materials and products across the entire life cycle of plastics and for all stakeholders in the value chain, in order to prevent the production of plastic products that were harmful to human health and the environment.

51. Turning to the means of implementation of the future instrument, many representatives emphasized the importance of a robust financial mechanism, and for financial support to be accessible,

adequate, predictable and sustainable. A number of representatives expressed the view that a new, dedicated multilateral fund should be established. Several representatives also called for adequate support to be provided for developing countries through capacity-building, technology transfer under mutually agreed circumstances and technical assistance. It was necessary to prioritize science and innovation so that developing countries, in particular small island developing States, archipelagic developing States and the least developed countries, could benefit from new solutions and technologies. One representative expressed the view that the future instrument should provide for the establishment of a scientific policy body, in order to support the democratization of the best available scientific knowledge. A number of representatives also noted the devastating effect of transboundary plastic pollution on downstream developing countries in particular and requested additional support, including financial support, from upstream countries in that regard. One representative stressed the importance of including a wide range of stakeholders, such as Indigenous Peoples, academia, and the public and private sectors, at the national level to ensure that their views were taken into account in the implementation of the future instrument. Another representative drew attention to the importance of ensuring complementarity with other instruments, in particular the Basel Convention, the Rotterdam Convention on the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade and the Stockholm Convention, so as to avoid duplication of effort.

52. A number of representatives provided details of their current and planned national programmes and efforts in relation to plastic pollution.

53. Turning to the work at the current session, a number of representatives expressed their support for using the revised draft text as a starting point for discussions. Several representatives reiterated the need for a consensus-based approach for all decisions taken during the current process and a number of representatives underlined the need to work in an inclusive manner to identify points of convergence. Although it was important to be ambitious, national capacities and circumstances always needed to be respected. Regarding the text of the future instrument, several representatives highlighted the importance of including definitions of the key terms and concepts in the future instrument in order to ensure coherence and consistency in the actions of future parties to the instrument, with one representative noting the importance of working on such definitions as soon as possible, using the definitions employed under existing multilateral environmental agreements as a starting point. One representative called for the identification at the current session of the measures, lists and annexes that would be required to be adopted by the committee at its fifth session in relation to problematic polymers and chemicals.

54. A number of representatives requested that no more than two contact group meetings be held at any one time, in order not to disadvantage smaller delegations. One representative said that parallel discussions should be avoided altogether.

55. Regarding the proposed establishment of a legal drafting group, one representative said that it was regrettable that the proposal to establish such a group had only been communicated to members after the closure of registration for the current session, and she requested that the mandate, scope of work and working principles of the group be discussed and agreed upon by the committee, including consideration of making the group open-ended in nature in order to ensure that all countries could participate fully and effectively. One representative said that, although she would welcome discussion of the terms of reference, composition and modalities of the work of such a group towards the end of the current session, the work of the group should not begin until the fifth session. Another representative, however, expressed the view that the group should be established as quickly as possible to enable progress to be made.

56. One representative requested the support of members for the proposal from the Governments of Rwanda and Peru to co-host the diplomatic conference of plenipotentiaries in Kigali, followed by an “early action” conference to be held in Lima. A number of representatives expressed support for discussion of the venue of the diplomatic conference at the current session, but noted that consideration of possible dates for the conference would be premature before the fifth session.

57. Turning finally to intersessional work, one representative noted the importance of the formalization of such work and another representative expressed the view that such work should include the completion of a proposal regarding a suitable financial mechanism for the future instrument.

58. At the 5th plenary meeting, on Monday, 29 April, Julie Dabrusin, Parliamentary Secretary to the Minister of Environment and Climate Change and to the Minister of Energy and Natural Resources of Canada, said that the fourth session of the intergovernmental negotiating committee exemplified the power of international cooperation to address the devastating impact of plastics on economies, health and ecosystems. A global agreement to end plastic pollution could only be achieved through collective

efforts. In that regard, Canada, France, Kenya, the Republic of Korea and Uruguay had, in February 2024, created a Host Country Alliance to support the process towards achieving that shared objective, while taking into account their diverse backgrounds and circumstances.

B. Establishment and work of contact groups

59. The intergovernmental negotiating committee established two contact groups to advance the development of the instrument using the revised draft text in the annex to document UNEP/PP/INC.4/3 as the starting point for textual negotiations, as agreed at its third session. Contact group 1, to be co-chaired by Axel Borchmann (Germany) and Gwen Sisor (Palau), was mandated to consider the elements addressed in parts I and II of the revised draft text, including any relevant proposed annexes, and make recommendations to the committee on streamlining the text. Contact group 2, to be co-chaired by Kate Lynch (Australia) and Oliver Boachie (Ghana), was mandated to consider the elements addressed in parts III to VI of the revised draft text, including any relevant proposed annexes, and make recommendations to the committee on streamlining the text.

60. The committee also decided that the work of the contact groups would be further divided among subgroups, which were established as follows: under contact group 1, subgroup 1.1, co-facilitated by Sara Elkhoully (Egypt) and Julius Percy (United Kingdom), would consider part I elements 1, 2, 3, 4, 5 and part II elements 12 and 13 bis; subgroup 1.2, to be co-facilitated by Maria Angélica Ikeda (Brazil) and Erlend Draget (Norway), would consider part II elements 1, 2, 3, 3 bis, 4, 4 bis, 5, 6, 9 (b), 10 (a) and 13; and subgroup 1.3, co-facilitated by Andrés Duque Solís (Colombia) and Abdulrahman Ali Alshehri (Saudi Arabia), would consider part II elements 7, 8, 9 (a), 10 (b) and 11. Under contact group 2, subgroup 2.1, co-facilitated by Antonio Miguel Luís (Portugal) and Naomi Namara Karekaho (Uganda), would consider part III elements 1 and 2; and subgroup 2.2, co-facilitated by Marine Collignon (France) and Danny Rahdiansyah (Indonesia), would consider part IV elements 1, 2, 3, 4, 5, 6, 7, 8 and 8 bis, part V elements 1, 2 and 3 and part VI.

61. The committee also agreed that the contact groups would review the elements of the revised draft text within their respective mandates prior to breaking into subgroups, and that the outcomes of the work of the subgroups would be reported to the relevant contact group for further consideration. The committee further agreed that the contact groups would complete their work at the latest by the end of Sunday, 28 April, with a view to making any outcomes of their work available in time for consideration by the committee on Monday, 29 April. Following requests for clarification by a number of members, the Chair said that the Co-Chairs of the contact groups would support and coordinate the work of the co-facilitators, and that the co-facilitators would report periodically on the progress achieved in the work of the subgroups to their respective contact group. The Chair also said that the text developed in the subgroups would be presented for consideration by the contact groups on the understanding that discussions and positions that had already been expressed would not be repeated in the contact groups. The Chair said that the overall approach would be to hold two meetings in parallel and stressed that the contact groups and subgroups would not meet in parallel with the committee.

62. In accordance with common United Nations practice, the meetings of contact groups and any informal consultations would be held in English only. Accordingly, there would be no interpretation and any non-papers considered at the contact group meetings would be in English only.

63. At its 3rd plenary meeting, on Friday, 26 April 2024, the committee heard reports from the Co-Chairs of contact groups 1 and 2 on progress achieved in those groups. With regard to contact group 1, several representatives had said that the preamble of the draft text should not be discussed before the more substantial elements had been agreed. Opinions had diverged on several matters, including problematic and avoidable plastic products and intentionally added microplastics. A range of views had also been expressed on extended producer responsibility. Several representatives had emphasized the importance of ensuring the alignment of the proposed instrument with other international instruments and organizations, in particular the International Maritime Organization. Some areas had been identified for possible intersessional work, including on criteria in relation to problematic and avoidable plastic products and intentionally added microplastics, elements of extended producer responsibility, and sources and pathways of emissions and releases. Representatives had raised concerns about the mandate of the subgroups, about documents being made available with sufficient time for preparation, and about the scheduling of meetings in a way that accounted for the capacities of small delegations.

64. In contact group 2, many representatives had stressed the need for a strong financial mechanism to address plastic pollution effectively. There had also been convergence of opinion regarding the need to acknowledge the special circumstances of various countries, although opinions had diverged on whether such acknowledgement should be included in the text of the instrument.

Several areas had been identified for possible intersessional work, including assessing options for the financial mechanism, examining its modalities and governance structures, identifying and determining potential sources for resource mobilization, and exploring how financial support could most effectively be targeted.

65. Many representatives expressed their appreciation for the hard work of the Co-Chairs and co-facilitators of the contact groups and subgroups, respectively, and welcomed the cooperative spirit that had characterized their meetings.

66. Some representatives, including one speaking on behalf of a group of countries, mindful of the limited time available to conclude discussions on the revised draft text, expressed a preference for holding up to three contact group or subgroup meetings concurrently, as proposed in the scenario note for the current session. Several other representatives, including some representatives of members with small delegations, expressed their willingness to support such arrangements on an exceptional basis, despite the resulting difficulties they would face, as it was imperative that significant progress be made at the current session. In addition, one representative, speaking on behalf of a group of countries, said that provision should be made for holding all-night sessions where needed in order to allow for the objectives of the current session to be reached.

67. Other representatives, including one speaking on behalf of a group of countries, expressed the view that no more than two meetings of contact groups or subgroups should be held concurrently, with several representatives noting that it would be impossible for small delegations to participate fully if three meetings were held in parallel, and that the process could not therefore be deemed to be transparent or inclusive. One representative said that decisions reached in one meeting might therefore need to be revisited at another meeting, further delaying the negotiation process. A number of representatives recalled the previous agreement that no more than two meetings would be held concurrently, stressing that it was not appropriate to renege on what had been agreed. Furthermore, several representatives, including one speaking on behalf of a group of countries, reiterated the request that meetings should end by 10 p.m. each day in order to allow sufficient time for representatives to rest, prepare fully and negotiate effectively. Such arrangements would be especially beneficial for small delegations and for representatives for whom English was a less familiar language and who therefore required more time to consider the English text. A number of representatives did, however, express their willingness to work during evening sessions, as long as no more than two meetings were held concurrently.

68. One representative recalled the importance of ensuring that trust was not broken. Another representative expressed regret that, although it had been stated in the scenario note that the delivery of national statements in plenary was discouraged, the delivery of such statements had nevertheless been allowed, reducing the amount of time available for contact group meetings.

69. Regarding discussions in the contact group and subgroup meetings, one representative expressed a preference for discussions focusing more directly on the draft text of the future instrument itself. Another representative, reiterating the need to uphold the principle of a consensus-based approach for substantive issues, expressed the view that the parts of the text where there was a convergence of views should be addressed first. One representative requested that the reports of the contact groups and subgroups be made available to all members in writing and looked forward to more information on the proposed validation process for the text being considered by contact group 1.

70. Regarding the logistics at the current session, one representative noted that issues such as poor Wi-Fi connectivity and room changes had hindered progress, and another representative requested that the secretariat inform members directly of any changes made to the schedule. One representative requested greater transparency regarding the procedure followed by the secretariat for uploading statements to the website in relation to the contact groups and subgroups, while another representative underscored the need for the non-papers to be provided to members in sufficient time before each meeting to allow for adequate preparation.

71. The committee agreed that only two meetings would be held concurrently and that three meetings would only be held in parallel on an exceptional basis. The Chair highlighted the fact that the co-facilitators of the subgroups were to report back on the progress in their work at the meetings of their respective contact group, thereby allowing the participants in those meetings to be kept fully informed and to provide input on the work of the subgroups. Furthermore, where textual negotiations were taking place, no more than two meetings should be held concurrently. In closing, he acknowledged that members had faced logistical issues and said that every effort was being made to resolve such issues as quickly as possible.

72. At the 5th plenary meeting, on Monday, 29 April, the Co-Chairs of the contact groups reported on the outcomes of the work of the groups and their subgroups.¹
73. The Co-Chair of contact group 1 noted that the group had resumed its work earlier that evening to hear reports from subgroups 1.1, 1.2 and 1.3 and to agree on the way forward.
74. Subgroup 1.1 had met five times, completing a full read-through of all the elements, and had commenced textual negotiations, based on either the Co-Chairs' or the co-facilitators' validated streamlined text, on three provisions: part I.2 (objective), part I.5 (scope) and part II.12 (just transition). The subgroup had completed a first round of textual negotiations on six of the seven elements within its remit. It had not engaged in textual negotiations on part I.3 (definitions) because it was felt to be premature at the current stage of the process. Subgroup 1.2 had met eight times, completing a first review of the Co-Chairs' technical streamlined text for the provisions under the group's mandate. In that document, elements II.4, 4 bis and 10 (a), inclusive of options 0 and 2, were not technically streamlined. The group had begun a second round of discussions on the textual negotiation of elements II.1, II.2, II.3, II.3 bis and II.4 bis. The text-based negotiation of element II.5 had not been completed owing to time constraints. It was suggested that future negotiations resume with the consideration of that provision. The subgroup had decided to defer consideration of element II.4 to a later stage of the negotiation. Text proposals presented by members during the text-based negotiations were reflected in bold type in the outcome document. Some representatives had expressed concern that they had not had sufficient opportunity to review and make submissions on the text regarding the content of potential annexes that were included in the co-facilitators' non-paper.
75. Subgroup 1.3 had met six times, including a joint session with subgroup 1.2 on fishing gear. Since the last meeting of the contact group, the co-facilitators had prepared, jointly with the co-facilitators of subgroup 1.2, a further streamlined text on fishing gear, which had been validated in subgroup 1.3 and represented the starting point for text-based negotiations in subgroup 1.3, without prejudice to the different positions on the placement of such text or whether there should be any such provision. The discussions had not been exhaustive for all the paragraphs in that text. The proposals raised by members during the discussion were reflected in the outcome document in bold type. The co-facilitators of subgroup 1.3 had also issued a further streamlined text on elements II.7, 8, 9 (a), 10 (b) and 11, which had been validated by the subgroup as a starting point for further work, and had initiated text-based discussions on that text. The subgroup had been able to conduct text-based negotiations on all the paragraphs of element II.7 and to initiate such negotiations for element II.8, which had not been completed. The subgroup had not been able to conduct text-based negotiation of elements 9 (a), 10 (b) and 11. The further streamlined text endorsed as a starting point for further work in subgroup 1.3 had provided the basis for textual negotiations in the subgroup, whose output was reflected in the non-paper on the subgroup's outcomes. Proposals raised by members during the text-based negotiations were reflected in the outcome document. Members had also presented proposals on elements within the subgroup's mandate in written submissions, which were available on the online submission portal but were not reflected in the outcome document.
76. The Co-Chair of contact group 2 said that the group had resumed its work earlier in the evening to hear the reports back from subgroups 2.1 and 2.2 and to agree on the way forward.
77. Subgroup 2.1 had met nine times, focusing on a detailed review of elements III.1 and 2. The subgroup had successfully completed the first read-through of all the provisions under its mandate. The group had also completed the validation of the co-facilitator's streamlined text of elements III.1 and 2. The co-facilitators had been given the mandate of streamlining many of the provisions included in elements III.1 and 2 to make the document more manageable, striving to the extent possible not to omit any positions. Different options had been consolidated where relevant, and the intentions behind all the positions reflected in the Co-Chairs streamlined version had been preserved. The subgroup had validated the streamlining of some paragraphs in the financing section. For the section on capacity-building, the subgroup had accepted a partial streamlining of the first operative paragraph, with the group agreeing to leave the text as presented in the Co-Chairs' streamlined version for further discussion at a later stage. Members of the subgroup had actively participated by submitting various proposals for additional text, and the restructuring and reordering of the sections under discussion. A total of 38 sets of comments had been submitted on means of implementation on the online portal.
78. Subgroup 2.2 had met five times to consider parts IV, V and VI. The subgroup had completed the read-through of part IV on aspects including national plans, compliance, reporting and periodic

¹ The final reports of the Co-Chairs of the contact groups are available as follows: contact group 1 https://wedocs.unep.org/bitstream/handle/20.500.11822/45644/INC4_CG1_Cochairs_Report.pdf; contact group 2 https://wedocs.unep.org/bitstream/handle/20.500.11822/45643/INC4_CG2_Cochairs_Report.pdf.

assessment and part V on the governance of the prospective instrument. It had completed the validation of streamlining of part IV, the first line-by-line negotiation of part IV.1 on national plans, and begun the line-by-line negotiation of element IV.2 on implementation and compliance. The co-facilitators had been given the mandate to prepare an initial draft of part VI of the text on final provisions, based on standard articles from other conventions and document UNEP/PP/INC.1/8, as well as submissions to the committee at its third session that had been made available on the website for the current session as part of the co-facilitators' non-paper on subgroup outcomes. A total of 59 sets of comments submitted on parts IV, V and VI were available on the online portal. During the third meeting of the contact group, the group had heard reports back from the two subgroups and confirmed agreement on the non-papers of the co-facilitators of subgroups 2.1 and 2.2 to be forwarded to the plenary as part of the outcomes of contact group 2. Many views expressed in the meetings of the subgroups during the session and submitted on the in-session documents platform had not yet been captured in the text forwarded by the contact group to the committee. It was to be hoped that the committee at its fourth session would complete the line-by-line textual negotiation begun at the present session.

79. Following the Co-Chairs' reports, the committee decided:

- (a) To take note of the oral summary reports presented by the Co-Chairs, which would be reflected in the report of the session;
- (b) Also to take note of the submissions received under the present agenda item during the fourth session, which would remain available on the website of the session;
- (c) Further to take note of the five non-papers on subgroup outcomes, as forwarded to the plenary by the contact groups, which would be made available on the website of the fourth session, in English only;
- (d) To request the secretariat to issue a compilation document of the draft text, maintaining corresponding placeholders for potential annexes as contained in document UNEP/PP/INC.4/3, as an official document for its fifth session;
- (e) Also to request the secretariat to standardize the formatting of the document and correct any clear typographical errors in the document, without making any substantive changes to its contents;
- (f) To use the compilation document as the starting point for continued negotiations at its fifth session, with a view to completing its work on the instrument by the end of the fifth session.

C. Intersessional work

80. At the 4th plenary meeting, on Sunday, 28 April, following consultations with the Bureau and delegations and close coordination with the contact group Co-Chairs and the subgroup co-facilitators, the Chair outlined his proposal on intersessional work to prepare for the fifth session of the committee. He proposed that the committee adopt a decision on the matter on Monday, 29 April, whereby it would decide:

- (a) To establish an ad hoc intersessional open-ended expert group to develop an analysis of the potential resources and means to be mobilized for the implementation of the instrument, for consideration at the fifth session. The expert group would be informed by the reports of the Co-Chairs of contact group 2 established at the fourth session, and part III, section 1, of the draft text on means of implementation. The expert group would have two Co-Chairs, and would be open to the participation of all members;
- (b) To establish an ad hoc intersessional open-ended expert group to propose criteria on products, chemicals of concern and related product design issues, for consideration at the fifth session. The expert group would be informed by the reports of the Co-Chairs of contact group 1, established at the fourth session, and the relevant sections of the draft text developed at the current session. The expert group would have two Co-Chairs, and would be open to the participation of all members;
- (c) That the two expert groups would commence their work by electronic means following the conclusion of the fourth session. In addition, the committee would request the secretariat to organize, subject to the availability of financial resources, one in-person meeting for each expert group during the intersessional period preceding the fifth session.

81. Many representatives, several of whom spoke on behalf of groups of countries, took the floor to express their views on the Chair's proposal for intersessional work. Many representatives, several of whom spoke on behalf of groups of countries, welcomed the proposal. A number of representatives,

including one speaking on behalf of a group of countries, characterized the proposal as balanced with respect to the key topics requiring expertise.

82. One representative, speaking on behalf of a group of countries, noting that the Chair's proposal was missing an important element, introduced a submission to also address primary plastic polymers during the intersessional period. Thus, she proposed that the committee request the secretariat to invite and compile scientific and technical input from Member States and stakeholders on baseline and sustainable levels of production and consumption of primary plastic polymers, including information on imports and exports, if available, and request the Chair to convene an open-ended working group, in person or in a hybrid format, to consider technical aspects related to all options for primary plastic polymers. Her proposal was subsequently supported by a large number of representatives, including two speaking on behalf of groups of countries. A number of those who spoke in support of the proposal stressed the importance of tackling the topic of production, with several recalling that the committee's mandate, as expressed in Environment Assembly resolution 5/14, was to address the full life cycle of plastics. One acknowledged the sensitive nature of the topic but pointed out that the information generated by intersessional work would facilitate the committee's discussions at its fifth session.

83. With respect to the proposed expert group on resources and means of implementation, many representatives, including two speaking on behalf of groups of countries, called for a focus on the financial mechanism, which, they said, was key to the effective implementation of the future treaty. A number of others, including one speaking on behalf of a group of countries, agreed to a focus on the financial mechanism provided that the three other aspects of means of implementation, namely aligning financial flows, catalysing financing and enhancing resource transparency, were also addressed.

84. Regarding the proposed expert group on criteria for products, chemicals of concern and related product design issues, a representative speaking on behalf of a group of countries proposed that the scope of the group's work consist specifically of addressing criteria for the identification and listing of chemicals and polymers of concern; criteria for the identification and listing of problematic and avoidable plastic products; criteria for exemptions applicable to chemicals and polymers of concern, problematic and avoidable plastics and sector-specific applications currently covered under the proposed provisions on scope; product design and performance, including criteria and approaches to promote circularity; transparency, tracking, monitoring and enabling particularly the tracking of chemicals used in the production of plastics, and approaches and minimum requirements for information disclosure; and the definition of key terms. Many representatives expressed support for the various elements proposed, particularly those addressing chemicals and polymers of concern, problematic and avoidable plastic products and product design. Several representatives asked that the work on chemicals and polymers of concern and problematic and avoidable plastic products include the development of initial lists.

85. Several representatives requested the addition of biodiversity to the scope of the intersessional work, in line with the One Health approach, and several others suggested waste management as a topic for consideration. One representative asked that the work also cover disasters, while another suggested that the mandate be extended to include criteria on exceptions, such as for plastics used in medicine and scientific research.

86. In terms of general considerations for intersessional work, several representatives, including one speaking on behalf of a group of countries, stressed that there should be no negotiation of text during the intersessional meetings. Several specified that the work should avoid contentious issues, and that it should be based on consensus, with everyone given a chance to express their views in order to build consensus. Others spoke about the importance of transparency, neutrality and inclusiveness, with several specifying that the Co-Chairs overseeing the work should be neutral and objective and bear in mind the interests of all parties. A number of representatives stressed the importance of reaching agreement on and adopting rules of procedure, with one emphasizing the need to do so prior to negotiations on the final text at the fifth session of the committee. Some representatives asked for an amendment specifying that the purpose of the intersessional work was to make recommendations for the further development of the draft text of the instrument, and one representative, speaking on behalf of a group of countries, said that it would be important to indicate how the output of intersessional work would be taken up by the committee at its fifth session.

87. One representative requested that observers be invited to participate in the intersessional work, noting that experts were often representatives of civil society rather than of government. His request was echoed by many others, including one speaking on behalf of a group of countries, who expressed a preference for including experts with specific technical expertise.

88. One representative requested that the two proposed expert groups work in parallel to allow consultations on interlinked topics.
89. The Chair said that he would take the opportunity to reflect on the comments made by members and would provide a final proposal in response to the issues raised on Monday, 29 April.
90. At the 5th plenary meeting, on Monday, 29 April, the Chair presented a revised proposal for intersessional work for the committee's consideration. Once again, many representatives, five of whom spoke on behalf of groups of countries, took the floor to express their views on the proposal. A number of representatives voiced disappointment that the revised proposal did not include aspects they had requested or supported during the 4th plenary meeting, some proposed further textual amendments, while others reiterated the comments and requests made during the earlier discussion on the matter.
91. Following informal discussions, held in the margins of the meeting, the committee decided:
- (a) To establish an ad hoc intersessional open-ended expert group to develop an analysis of potential resources and means that could be mobilized for the implementation of the objectives of the instrument, including options for the establishment of a financial mechanism, alignment of financial flows and catalysing finance, for consideration by the committee at its fifth session. The expert group would take as a starting point the reports of the Co-Chairs of contact group 2, established at the fourth session, and the draft text on means of implementation set out in part III, section 1, of the compilation document of the draft text. The expert group would be open to the participation of all members. The work of the expert group would be co-chaired by Kate Lynch (Australia) and Oliver Boachie (Ghana);
 - (b) To establish an ad hoc intersessional open-ended expert group to identify and analyse criteria- and non-criteria-based approaches with regard to plastic products and chemicals of concern in plastic products, and product design, focusing on recyclability and reusability of plastic products, considering their uses and applications, for consideration by the committee at its fifth session. The expert group would be informed by the reports of the Co-Chairs of contact group 1, established at the committee's fourth session, and the compilation document of the draft text. The expert group would be open to the participation of all members. The work of the expert group would be co-chaired by Axel Borchmann (Germany), Luay Almukhtar (Iraq) and Gwen Sisor (Palau);
 - (c) To request the two expert groups to commence their work using electronic means, following the conclusion of the committee's fourth session, and to request the secretariat to provide support to the organization of their work;
 - (d) To request the secretariat to organize, subject to the availability of financial resources, an in-person meeting for the expert groups in the intersessional period before the committee's fifth session;
 - (e) Also to request the secretariat, in consultation with the Chair, to invite selected technical resource persons to help inform the work of the expert groups.
 - (f) That the outcomes of the groups' work would be without prejudice to members' national positions and the outcome of the negotiations conducted by the committee.
92. The decision is set out in the annex to the present report, without formal editing.

D. Legal drafting group

93. At its 5th plenary meeting, on 29 April, the committee decided:
- (a) To establish an open-ended legal drafting group to conduct a legal review of any elements of the draft text forwarded to it by the committee with a view to ensuring that the text was drafted in a legally sound manner and make recommendations on the wording to the committee for its consideration. In its work, the legal drafting group would not consider policy issues, and any policy issues it might identify in the course of its work would be referred back to the committee;
 - (b) That the open-ended legal drafting group, which would commence its work at the fifth session, would be composed of legal experts from members;
 - (c) To invite any member wishing to do so to communicate to the secretariat, by 15 August 2024, information on their legal expert, which would be made available on the website;
 - (d) That the meetings of the legal drafting group would be convened by the Co-Chairs during the fifth session as and when needed;

(e) That the Co-Chairs of the legal drafting group would be appointed by the committee at its fifth session, based on a proposal by the Chair.

VI. Other matters

94. No other matters were raised.

VII. Adoption of the report

95. 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

96. Following the customary exchange of courtesies, the session was declared closed at 3.15 a.m. on Tuesday, 30 April 2024.

Annex***Decision 4/1: Intersessional work**

1. The committee decides to establish an ad hoc intersessional open-ended expert group to develop an analysis of potential sources, and means that could be mobilized, for implementation of the objectives of the instrument, including options for the establishment of a financial mechanism, alignment of financial flows, and catalyzing finance, for the consideration by the committee at its fifth session.
2. The expert group will take as a starting point the reports of the co-chairs of the contact group two established at INC-4 and the draft text on means of implementation (Part III Section 1) contained in the compilation document of the draft text. The expert group will be open to participation of all Members.
3. The committee agrees that the work of the expert group will be co-chaired by **Ms. Kate Lynch of Australia and Mr. Oliver Boachie of Ghana.**
4. The Committee also decides to establish an *ad hoc* intersessional open-ended expert group to identify and analyze criteria and non criteria based approaches with regard to plastic products and chemicals of concern in plastic products, and product design focusing on recyclability and reusability of plastic products, considering their uses and applications, for the consideration by the Committee at its fifth session.
5. The expert group will be informed by the reports of the co-chairs of the contact group one established at INC-4 and the compilation document of the draft text. The expert group will be open to participation of all Members.
6. The committee agrees that the work of the expert group will be co-chaired by **Mr. Axel Borchmann of Germany, Ms. Gwen Sisor of Palau, and Mr. Luay Almkhtar of Iraq.**
7. The committee requests the two expert groups to commence their work using electronic means, following conclusion of INC-4 and requests the secretariat to support the organization of their work.
8. The committee also requests the secretariat to organize, subject to availability of financial resources, an in-person meeting for the expert groups in the intersessional period before INC-5.
9. The committee further requests the secretariat, in consultation with the Chair, to invite selected technical resource persons to help inform the work of the expert groups.
10. The outcomes from the groups shall be without prejudice to the Parties' national positions and the outcome of negotiations conducted by the Committee.

* The annex is presented without formal editing.