



Council of the
European Union

Brussels, 13 July 2022
(OR. en)

11329/22
ADD 1

ENV 745
MAR 146
RECH 441
RELEX 1010
ONU 103

COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	12 July 2022
To:	General Secretariat of the Council
No. Cion doc.:	COM(2022) 342 final
Subject:	ANNEX to the Recommendation for a Council Decision authorising the opening of negotiations on behalf of the European Union for an international agreement on plastic pollution

Delegations will find attached document COM(2022) 342 final - ANNEX.

Encl.: COM(2022) 342 final



EUROPEAN
COMMISSION

Brussels, 12.7.2022
COM(2022) 342 final

ANNEX

ANNEX

to the

Recommendation for a Council Decision

**authorising the opening of negotiations on behalf of the European Union for an
international agreement on plastic pollution**

ANNEX

DIRECTIVES FOR THE NEGOTIATION OF AN INTERNATIONAL AGREEMENT ON PLASTIC POLLUTION

- (1) Within the framework of the intergovernmental process set out in Resolution 5/14 adopted by the Fifth Session of the United Nations Environment Assembly (UNEA), which provides a globally inclusive negotiating forum, the Commission, will aim at negotiating an international agreement on plastic pollution¹ (hereinafter, the “Plastics Agreement”).
- (2) The Commission, on behalf of the European Union, shall endeavour to achieve a comprehensive negotiated outcome, which encompasses the objectives and principles outlined below.
- (3) The Plastics Agreement will set out legally-binding and non-binding approaches for its Parties to reduce plastic pollution and increase the overall sustainability and circularity of plastics from a life-cycle perspective. The exact scope of the envisaged international agreement is not yet known, but the mandate for the Intergovernmental Negotiating Committee emphasizes that it should include measures throughout the entire plastic life cycle, including plastic design, production, consumption and waste management including the generation of secondary raw materials.
- (4) The obligations should be framed, including in the Plastics Agreement’s preamble, by a series of general objectives, principles and where appropriate, targets to enhance the sustainable and circular production and consumption and waste management of plastics in order to protect, restore and promote sustainable use of terrestrial and marine ecosystems, conserve and sustainably use the oceans, seas and marine resources for sustainable development, reduce emissions of greenhouse gases related to plastics, as well as to ensure sustainable consumption and production patterns, including sustainable levels of production and consumption of plastics and the ban or phasing out of materials and products where appropriate. The principles should include:
 - Recognition of design for circularity and sustainability as the basis for avoiding waste and ensuring long lasting/durable plastic products that are easily reusable and/or recyclable to high quality (for instance, fostering the inclusion of recycled plastics in new products);
 - Focus on the plastics that are responsible for the majority of waste generation and pollution (including marine pollution) and that could potentially be substituted for by more durable and sustainable products, products with lower environmental impact or other materials (where the lifecycle impacts are lower);
 - The elimination of compounds and additives to plastics that compromise their sustainability and circularity, including oxo-degradable plastics and hazardous additives (such as lead and cadmium-based substances, flame retardants, phthalates, PFAS);

¹ This designation denotes an agreement within the meaning of Article 2.1(a) of the Vienna Convention on the Law of Treaties and is without prejudice of the name that the agreement signatories will ultimately choose, e.g. convention, treaty or agreement.

- Particular attention to the effects of microplastics, which are directly emitted in a form that is bioavailable to organisms and cannot be removed once they are in the environment, and the need to eliminate the intentional application of micro-plastics in various products where alternatives are available, and to address the unintentional release of microplastics;
- Recognition of the need to ensure a proper circular management and overall environmental benefits of biobased and biodegradable plastics, even though they represent only a small percentage of plastics on the global market;
- The central importance of separate collection of plastic waste as a means to render environmentally sound management of waste, including recycling, viable, and to improve the overall waste management in line with the waste hierarchy;
- Recognition that society (via taxpayers) and the environment should not pay the external costs of plastic waste management, litter collection and pollution, and that extended producer responsibility schemes should be applied to ensure that these costs are borne by those placing plastics or products containing plastics on the market;
- Implementation of the waste hierarchy, with longer use, re-use and prevention of waste as the ultimate priority, with particular focus on waste reduction measures for key products and on combatting litter, including in the marine environment;
- Agreement that plastic waste shipments should require undertakings that the destination country/installation is capable of managing, processing and recycling the waste to high standards, with respect to the Basel Agreement where applicable.

The objectives should take into account: i) the right to a clean and healthy environment as recognized by the UN Human Rights Council, ii) international solidarity, iii) the timely sharing of data, indicators, assessments and information on products and materials, iv) adequate and streamlined national/regional and global monitoring of progress, reporting and verification, v) facilitating research, assessments and knowledge, and enabling the public to avail, use and understand verified and timely information, and vi) the need to address the close links between human, animal and environmental health. The principle of equity should guide the work, including through disability-sensitive and gender-responsive approaches.

(5) The Plastics Agreement should also include provisions setting out:

- The institutional framework;
- Rules on future rule-making;
- Monitoring, making data publicly available, compliance and accountability mechanisms in all stages of the lifecycle: i) raw materials for the production of plastics; ii) manufacturing of plastic and plastic products, including design; iii) consumption/use of plastic products; iv) waste management, plastic litter and microplastics pollution;
- Country obligations and ownership as well as “whole of government”/cross sectorial approaches leading to better mobilisation of all competencies and resources as well as coherence in the prevention of plastic pollution, reducing

plastic waste generation a shift to sustainable consumption and production and response at global, regional, national and community/local levels; and

- Financial support, technical assistance and capacity building aimed at:
 - The effective implementation of Plastics Agreement and related commitments and
 - The improvement of national and regional mechanisms for plastic pollution prevention, monitoring, data, indicators, reporting and verification, preparedness, and response (including inter-agency and inter-sectoral coordination mechanisms);
 - Rules on plastic waste treatment through the implementation of measures such as extended producer responsibility schemes, putting onus on the polluters not only on public bodies or financial institutions

inextricably linked to the above categories of provisions or to the effectiveness of the Plastic Agreement in the light of its general objectives and principles.

- (6) The Plastics Agreement should aim at laying down substantive provisions and commitments especially in the key areas indicated above, while also charting the course for future negotiations, including by means of annexes and/or protocols. Legally binding provisions could be complemented by non-binding provisions (such as guidelines, standards and declarations).
- (7) All United Nations Member States and regional (economic) integration organisations to which its Member States have transferred competences over matters related to the provisions of the agreement should be allowed to become parties of the Plastic Agreement or any of its protocols. The Commission should ensure that the future Plastics Agreement contains appropriate provisions, following those of recent multilateral environmental agreements, enabling the Union to become a Contracting Party thereto. Specific arrangements for cooperation with relevant international organisations and non-governmental stakeholders should also be set out.
- (8) Transitional periods for implementation and related implementation support should also be considered, with particular attention to the needs of low and lower-middle income countries.
- (9) The Commission will represent the Union in the Inter-governmental Negotiating Committee in charge of developing a Plastics Agreement, as set out in the UNEA Resolution 5/14, and any preparatory or related body.
- (10) The Commission should endeavour to ensure that the Plastics Agreement is consistent with relevant Union legislation and policies, as well as the Union's commitments under other relevant multilateral agreements.
- (11) The Commission should conduct negotiations in accordance with relevant Union legislation in force.