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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: AOB for the meeting of the Council (Environment) on 21 October 2025
Resumed fifth session of the Intergovernmental Negotiating Committee
(INC-5.2) to develop an International Legally Binding Instrument on Plastic
Pollution
(Geneva, Switzerland, 5 to 14 August 2025)
- Information from the Presidency and the Commission

Introduction and Overview

The INC-5.2 negotiations on a legally binding instrument to end plastic pollution, including in the marine environment, did not achieve their objective of delivering a final treaty text as mandated by UNEA Resolution 5/14. Convened in Geneva, Switzerland, INC-5.2 was the continuation of the fifth session which ended on 1 December 2024 in Busan, Republic of Korea.

Despite some progress through extensive negotiations and informal consultations, delegations were unable to reach an agreement at INC-5.2. As a result, the session was suspended once again, with further negotiations postponed until further notice. Furthermore, the INC-5.2 session concluded without agreement on which legal text will serve as the basis for future negotiations. The Chair and the INC Secretariat are expected to announce further information regarding the format and timing of the next phase in due course.

Background

The Intergovernmental Negotiating Committee (INC) to prepare a legally binding instrument on plastic pollution was established by the United Nations Environment Assembly (UNEA-5.2) in March 2022, with a mandate to complete negotiations on the instrument by the end of 2024. The resumed fifth session (INC-5.2) was held in Geneva, Switzerland, from 5-14 August 2025, bringing together more than 2,600 delegates from 183 countries and over 400 observer organizations.

Negotiations at INC-5.2 began on the basis of the INC-5 Chair's Text of 1 December in Busan. During the Geneva session, the Chair introduced two new text iterations: a Draft Text (13 August) and a Revised Text (15 August). While the Draft Text was widely viewed as reflecting a lower level of ambition, the Revised Text corrected this to some extent but could not find any middle ground on divisive issues such as production, finance, and decision-making. No agreement emerged on either text.

From the outset of the INC-5.2 session, efforts were directed toward identifying textual compromises within formal contact groups. It quickly became apparent, however, that divergent views across several articles impeded progress within these groups. Three cross-cutting issues were especially decisive: whether measures regarding problematic plastic products incl. chemicals should be binding and globally harmonized or adapted to national circumstances; the modalities for financing the agreement, including consideration of historical responsibilities and the categorization of developed vs. developing countries; and to what extent decisions should be made by voting rather than consensus.

Much of the discussion, however, centered on procedural matters rather than substantive issues, which slowed down progress. The final hours of negotiation demonstrated that some progress was possible, even if too late. Intensive dialogues across regions, alongside greater clarity on flexibility and non-negotiable positions between negotiating blocs, helped to create a more constructive basis for continued negotiations.

Although INC-5.2 did not achieve its objective of delivering a new treaty, or advance the official negotiating text, progress was still made towards this aim. In particular, the High Ambition Coalition (HAC), consisting of 75 countries and the EU, was yet again instrumental in mobilising the support of more than 100 countries to support negotiations for an effective treaty. The HAC, together with its wider group of “Friends”, consistently advocated for global binding measures covering the full life cycle of plastics, including design, production, consumption, and waste management measures. While global consensus on an ambitious treaty proved unfeasible, the coalition demonstrated that a majority of the world’s countries remain committed to protecting human health and the environment from the severe impacts of plastic pollution at a time when international cooperation is under strain. At the same time, the HAC showed willingness to compromise by adapting its position, i.e. on production restrictions to address the concerns of the so called “like-minded group” of countries, leveraging this flexibility to hopefully gain stronger support for global binding measures on problematic products and design and a strong waste part of the Treaty.

During the Danish Presidency of the Council, the EU and its Member States’ cooperation was strong, both in the preparatory process and during negotiations. The EU and its Member States acted as constructive partners, showing openness, flexibility, and readiness to compromise in pursuit of an effective treaty. Extensive outreach across all regions was undertaken, as well as bridge-building efforts and efforts to understand and accommodate diverse positions.

Maintaining momentum and next steps

At present, no official decision has been taken regarding a possible INC-5.3 or activities during the intersessional period. Nonetheless, there is support among the EU and its Member States to continue the INC process and for the next session to be convened in the near future. It is further suggested that UNEA-7, taking place in December 2025, could provide an occasion to advance preparations for a resumed session.

In preparing for the next session, the EU and its Member States will need to reassess their negotiation strategy and adapt outreach efforts at all levels, both technical and political, including through diplomatic engagement. Preparatory work will continue to focus on identifying common ground among all members on the most contentious issues — global measures on problematic plastic products, a financial mechanism and decision making. At the same time, parallel efforts will be pursued to improve working methods within the INC process and explore alternative strategies for advancing the objectives of the process, including efforts to reaffirm and strengthen cooperation within the High Ambition Coalition.
