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INFORMATION NOTE

From: General Secretariat of the Council
To: Delegations
Subject: First session of the Intergovernmental negotiating committee to develop an international legally binding instrument on plastic pollution, including in the marine environment
(Punta del Este, Uruguay, 28 November – 2 December 2022)
- Compilation of statements by the EU and its Member States

Delegations will find in the [Annex](#) for information a compilation of statements as delivered by the EU and its Member States during the abovementioned meeting.

First session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment (INC-1)

(Punta del Este, Uruguay, 28 November – 2 December 2022)

Statements made by the EU and its Member States

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

The EU and its Member States would like to thank Uruguay for its hospitality in hosting the first INC meeting in beautiful Punta del Este, and the UNEP secretariat for all the preparations for this meeting. Let me also take this opportunity to congratulate Jyoti Mathur-Filipp on the appointment as Executive Secretary of the INC secretariat. We look forward to be working with you throughout this process. We also congratulate Ambassador Meza-Cuadra for the election of chair and we look forward working closely together in the upcoming years.

Plastic pollution heavily contributes to the triple planetary crisis of biodiversity loss, climate change and pollution, and has a negative impact on human health. The world has seen a massive increase in plastic production and pollution. Global plastic production and consumption is set to triple by 2060 if business continues as usual. Plastic pollution is forecast to grow alongside production and consumption.

The EU and its Member States are determined to seize the opportunity and build on the momentum achieved at UNEA-5.2 in Nairobi. We will engage with the aim to develop an ambitious legally binding international instrument to end plastic pollution. For this INC session, the EU and its Member States look forward to having a first exchange of views and discussions on substance. In particular, reaching an early agreement on the scope and objectives in broad terms would be important to advance the negotiations.

For the EU and its Member States it is key that the instrument will address the whole lifecycle of plastics with priority given to the upstream parts, by commitments and provisions that lay the ground for a sustainable production and consumption of plastics, paving the way for a circular plastic economy. The new instrument should also include the necessary obligations to prevent plastics from entering into the environment. It should also address all plastic materials and products, including microplastics and potentially nanoplastics, irrespective of their source. Unnecessary, avoidable and problematic plastics, substances and additives should be reduced, eliminated, substituted or banned. Which, however, does not mean ending all plastic consumption and production.

The world has high expectations for us this week. Time is short and we must work together in a cooperative and constructive spirit. Our task is clear: To develop a new legal instrument to end plastic pollution in the environment. We need to act now, and prevent more irreversible damage to the global environment and human health.

We have an opportunity to create a new and modern multilateral agreement building on the lessons learned from the past and create a strong instrument that drives implementation on the ground.

Two days ago, we heard the many voices from the Multistakeholder Forum. It clearly showed that we as governments cannot solve this challenge alone. We need all stakeholders involved. The EU and its Member States would therefore like to stress the importance of continued stakeholder involvement throughout the process in order to create inclusiveness, transparency and credibility. We also stress the importance of designing the stakeholder involvement process in close cooperation with stakeholders themselves, in order to have a format that truly fosters their meaningful involvement.

The EU and its Member states are fully committed and determined to achieve ambitious action across the world that will involve all of us, with no one left behind. For this reason, we consider that it will be important for this negotiation process to address various ways in which countries can be supported in their efforts to implement the future agreement.

Before concluding, let me express the EU and its Member States' full solidarity with Ukraine and the Ukrainian people. The EU continues to condemn in the strongest possible terms Russia's unprovoked and unjustified act of aggression against Ukraine, which grossly violates international law and the UN Charter, undermines international security and stability and exacerbates the challenges the global environment community is seeking to address.

Before concluding, we also would like to thank all governments that through their generous contributions support the work of the Secretariat and this INC process.

Let me conclude by stressing once again how important this first INC session is.

To end plastic pollution, we must be bold and innovative. I am confident that we are ready for the task ahead of us and I look forward to a constructive and successful meeting with all of you.

Scope and objectives of the instrument

The EU and its Member States wish to see an ambitious, but realistic outcome of the negotiations on the future instrument to end plastic pollution. We see agreeing on the scope and objective as an essential first step. The EU and its Member States favour a short and inspirational objective of the new instrument. It should be formulated so that it can be easily and clearly communicated what the new instrument aims to achieve: *ending plastic pollution*, reflecting the title of UNEA resolution 5/14 to protect both the environment and human health.

In this manner, the new Convention's objective could build on and be inspired by the objectives of the Stockholm and Minamata model. In the view of the EU and its Member States this can be achieved by a circular economy for plastics.

This overarching objective should be supplemented and supported by more strategic and operational sub-objectives, covering the different stages of the life cycle of plastics, including microplastic. In that regard, the EU and its Member States are willing to start the work on identifying the objectives of the instrument, building on the four strategic goals as proposed in UNEP/PP/INC.1/7.

The scope of the agreement should reflect our ambition to end plastic pollution, with a view to protect human health and the environment and obtain a circular plastic economy, while at the same time recognizing the positive effects which such an instrument will have on climate change and biodiversity.

It forms the basis for how comprehensive and ambitious the instrument will be in addressing plastic pollution.

The EU and its Member States believe that the instrument needs to cover the full life cycle of plastic, from the stage of polymerization and processing of pellets to end-of-life or waste management operations. To achieve truly sustainable production and consumption of plastics, we will need to ensure that all plastic materials and products, including microplastics and potentially nanoplastics, as well as plastic pellets used as raw material in plastic production are covered.

It is the view of the EU and its Member States that priority should be given to the upstream parts of the life cycle, by commitments and provisions that lay the ground for a safe and sustainable production and consumption of plastics, and better reuse-, repair- and recyclability, already in material- and product design, and at the production stage.

We look forward to fruitful discussions on the issue.

Structure of the instrument

The EU and its Member States would like to thank the Secretariat for preparing this useful overview. It will certainly inform our reflections on the way forward and help to make these more concrete.

However, in our view form follows function. Without progress on core obligations, control measures, voluntary commitments and other elements, the discussion on structure cannot be properly informed, nor can it be conclusive. It may however be useful in helping to shape the overall ambition towards which we are going to work.

The EU and its Member States will make every effort to work towards an instrument that will enable acting upon core obligations immediately upon ratification in view of reaching the objective; an instrument that should allow for a phased approach and gradual strengthening of the measures over time. We will work towards an instrument that will ultimately be attractive for many to join while making a real difference.

While it is too early for the EU and its Member States to express their preference for an exact form, our initial consideration is that a specific convention where all relevant operational provisions will be agreed in the core text, supplemented by annexes would be the most effective way towards reaching the objective in the context of the urgency of the problem.

Core obligations, control measures and voluntary approaches as well as national action plans

The EU and its Member States highlight that plastic pollution is a cross-cutting issue that affects not only environment and health, but also various segments of society, economic sectors and living conditions with the most vulnerable suffering the most.

We welcome the discussion on core obligations and voluntary approaches. Getting a clear understanding of how member states see this is a priority for the EU and its Member States at this INC. We appreciate the work done by the secretariat in laying out potential elements of the treaty, all of them important for our discussions.

The EU and its Member States consider that the instrument should contain principles that should guide its design, the measures which we seek to agree on and their implementation. The polluter pays principle, the precautionary principle and the waste hierarchy approach would be some of the principles we would advocate for.

We see the instrument as a combination of legally binding core obligations, control measures and voluntary approaches. The EU and its Member States stress the need for the full life-cycle of plastics to be addressed by core obligations and control measures with the aim to make the plastics economy truly circular.

To do so, we believe that we need to act in a number of different ways.

Reducing the overall production and consumption of plastics, regardless of the raw material. This can be done through phase-out measures that address unnecessary, avoidable, and problematic plastics, including substances of concerns. For other plastics, where feasible, we should aim to keep them in the economy as long as possible, by making sure that such plastics are reusable, repairable and recyclable. In that regard, it will be important for the EU and its Member States to have a discussion on how to introduce core obligations on design criteria or other measures supporting safe and sustainable plastics, preventing leakages of chemicals and microplastics into the environment. For the EU and its Member States, environmentally sound waste management is also important.

It will also be important from the EU and its Member States' perspective to avoid that these measures have unintended consequences, such as the replacement of fossil based plastics by an increased production and use of biobased plastics in areas where they might be problematic. To that end, we would need to consider criteria for specific design and production requirements for plastics. Transparency requirements in relation to chemicals and substances used in plastics and plastic products are a powerful tool that can facilitate traceability of such information along the entire life cycle of plastics and contribute to making plastics safer for human health and easier to recycle.

Another important core obligation should be the development of national action plans. The EU and its Member States consider national action plans as key for supporting the implementation of the instrument at national level. National action plans would provide for a certain flexibility, be able to take into account specific national circumstances, but should include minimum requirements and a common framework to avoid a scattered regulatory landscape.

Setting national targets with the aim of reaching the objective of the instrument, but adapted to the national context, could be a central element. They could be qualitative, quantitative and/or time-bound, and of course also step up the ambition and go beyond internationally agreed targets.

The EU and its Member States also acknowledge the importance of including voluntary approaches in national action plans to strengthen the instrument and to support implementation of the binding core obligations and control measures. Such voluntary measures could include measures to increase knowledge, raise awareness, environmental and sustainability education, as well as actions on consumer behaviour. The implementation of such provisions would benefit from multistakeholder engagement. We therefore see provisions to promote and ensure multistakeholder cooperation in this area as a possible option.

Means of implementation, including capacity building, technical assistance, and finance

We have been listening with great interest to earlier interventions stressing support to implement an ambitious international instrument to end plastic pollution, including in the marine environment. In this context and to advance discussions on this topic, we believe that document UNEP/PP/INC.1/9 sets out the different types of existing funding mechanisms and provides a good starting point for our discussions.

We are committed to work towards an ambitious legal instrument to end plastic pollution. We have agreed on an ambitious task, namely, to end plastic pollution. We understand that the means of implementation and finance and capacity building are important to many delegations. We seek to engage constructively in the discussions and would like to emphasize that such a discussion needs to include all available finance flows relevant to address plastic pollution – public, private, domestic and international.

During our deliberations this week, several delegations have mentioned the importance of the polluter pays principle. We support and would like to underline the polluter pays principle as a key principle for the provisions of the instrument, including provisions on finance.

If we are to achieve a global circular plastic economy, resource mobilization should come from all sources, reflecting an integrated approach to financing.

Public, private, as well as international and domestic finance will have an important role to play to achieve the objectives of the future instrument. We are also open to including provisions to incentivize private financial flows and investments to support the overarching goal and objectives of the instrument.

In this context, and as we continue our deliberations on this matter, the EU and its Member States would like to underline the importance of the instrument to provide incentives for developing policy tools, such as national Extended Producer Responsibility (EPR) and incentive schemes, including charges and levies rather than relying only on external funding.

Already today there are many examples of partnerships that provide philanthropic capital and concessional loans to the private sector. To end plastic pollution, we need private investment. This is not to replace the Official development assistance (ODA) needed to support the creation of enabling conditions necessary to end plastic pollution.

We recognize that financial support will play an important role to support the implementation of some obligations. Financing is not a goal in itself, but a means to an end. To develop effective and ‘fit for purpose’ provisions on financial support, it is important to sufficiently advance discussions on core obligations and core control measures, as well as operational provisions. In our deliberations on financing and a potential financial mechanism, it is important for us to build on existing instruments and experience. For example, the Global Environment Facility (GEF) is already today addressing various types of plastics from several different value chain, through the chemicals and waste and international waters focal areas, as well as some of the integrated programs.

With that said, we are open to discuss different models. However, we do not believe that a new dedicated financial mechanism is the only possible answer to effectively address financing under the new instrument, as it can have unintended consequences such as scattering funding and causing additional efforts.

Furthermore, we acknowledge that capacity building and technical assistance are important means of implementation, which should be closely connected to the core obligations in the instrument. Therefore, we look forward to advance our discussions on related core obligations, including implementation and compliance. While we do not want to delay any of our discussions, we believe that in order to develop effective and efficient financial provisions to support the implementation of the agreement, it is necessary to have a comprehensive understanding of the control measures and key obligations.

We look forward to our further deliberations on this matter and to better understand the needs expressed in many statements made this week. To end plastic pollution, we will need to build on our common experience and expertise in this room, but also look outside at private actors to align all finance flows with the goals of the future plastics instrument.

Monitoring and evaluation of progress in, and effectiveness of implementation and national reporting

The EU and its Member States would like to thank the Secretariat for preparing the document on plastic science. This document provides a useful overview in addition to providing a deeper understanding of the important issues of monitoring and reporting.

We have, with great interest, heard many delegations stressing the need for harmonized provisions for monitoring and reporting to show progress and assess compliance.

In order to end plastic pollution, we will need a strong and effective instrument, in which monitoring and reporting are essential elements to ensure the evaluation of the effectiveness of the instrument.

The EU and its Member States find it important that the future instrument includes provisions for national assessment and evaluation of the state and impacts of plastic pollution in the environment. This includes monitoring and reporting on plastic production, trade and value chains, as well as on plastic leakages.

To ensure the effectiveness of such provisions and to avoid a scattered and overburdened landscape, the EU and its Member States stress the need for a common framework of indicators and methods to support the harmonization of monitoring and reporting at the national, regional and global level. This could be done efficiently by building upon already existing monitoring and reporting protocols, for example those included in different Regional Sea Conventions and other relevant regional and international instruments, for example the Minamata Convention, as well as the SDG monitoring framework. Furthermore, we believe that national action plans could be an efficient tool for implementation of monitoring and reporting. National reporting could in turn form part of a potential international stocktaking and evaluation mechanism.

We look forward to discussing this important issue further.

Other aspects, including scientific and technical cooperation and coordination, research and awareness raising

The EU and its Member States have listened with great interest to academia's valuable scientific knowledge regarding plastic pollution during both the multi-stakeholder forum and the stakeholder dialogue.

The science is clear. We need to urgently tackle plastic use and plastic disposal as a major contributor to the triple planetary crisis of climate change, biodiversity loss and pollution. These crises are intrinsically linked, and by putting an end to plastic pollution there will be a positive spin off impacts on many other global challenges, as well as a direct benefit to human health. In order to do so, the EU and its Member States believe that the negotiations need to be punctually informed by the best available scientific knowledge;

We would like to thank the Secretariat for preparing the document UNEP/PP/INC.1/7 on plastics science, which has provided valuable guidance for the INC in its deliberations on developing an international instrument to end plastic pollution. Thus, we propose to request the secretariat, to provide the sessions of the INC with regular updates on new scientific information and, as necessary, inform on the current state of knowledge. We trust that the Secretariat will make all efforts to use all relevant and reliable sources of information, including peer reviewed literature and relevant scientific networks, to assess the best available science and emerging trends. We believe that to have an in-depth understanding of the traditional knowledge, knowledge of indigenous peoples and local knowledge systems is of crucial importance to build up a coherent and complete picture.

Furthermore, the EU and its Member States welcome the discussion on the role of science and look forward to exploring ways to interact with the scientific community during the forthcoming intersessional period. One way of doing so could be through virtual workshops, webinars or policy briefs on specific and pertinent topics.

The EU and its Member States recall the decision UNEA5/8 “Science-policy Panel to Contribute Further to the Sound Management of Chemicals and Waste and to Prevent pollution”. We look forward to following the development of this panel and to discuss what role the panel could have in relation to the future instrument to end plastic pollution.

Finally, while emphasizing the need for further scientific assessments of the environmental, health-related and socioeconomic impacts of plastic pollution and solutions for environmentally sound elimination and removal of plastic pollution, which could be explored in specific cases, the EU and its Member States wish to emphasize that we already have sufficient knowledge and necessary data evidence to make informed policy decisions to end plastic pollution. We also want to reiterate that, in accordance with the principle of precaution, the lack of full scientific certainty shall not be a reason to postpone action where there are threats of serious or irreversible damage to health and the environment. We should act now, there is no time to wait.

Stakeholder participation and action

The EU and its Member States have long advocated a meaningful involvement of stakeholders in multilateral environmental processes. This one is no different. The EU and its Member States underline the importance of involving all stakeholders, including industry, academia, youth, indigenous peoples, women, waste pickers and marginalized groups.

We continue to support their meaningful involvement throughout the INC process in a targeted way and in different compositions. As we heard yesterday, and we very much support these views, such involvement could be arranged in a number of different ways: meetings in the intersessional period, written submissions, regional consultations and side events. There are many possibilities and we should use them. What is important for the EU and its Member States, and to our understanding for many others, is that the participation of stakeholders is structured and that their input comes sufficiently early in the intersessional period for the governments to be able to take it into consideration for their positions.

Regardless of the modalities of stakeholder participation, we should, however, not lose sight of the limitations. We have not only limited time at our hands to conclude negotiations, but also limited financial resources. This is particularly important to bear in mind, especially in this deeply concerning situation where only one delegate from developing countries has been funded to participate to INC-1. Thus, any decision on the modalities need to be subject to the availability of resources. For the EU and its Member States it is also extremely important that the Secretariat prioritises its resources for the negotiation process.

We are also interested in further exploring the role of UNEP in the establishment of a multi-stakeholder action agenda. We further consider that the main purpose of the action agenda is to support and drive implementation of the instrument once it is established, while we should continue pushing action in the short term, as tackling plastic pollution cannot wait until the instrument enters into force.

The EU and its Member States also welcome initial discussions on how to encourage action by all stakeholders and how to initiate a multi-stakeholder action agenda as instructed by the UNEA mandate. We are ready and interested in exploring different ways on how both aspects of stakeholder engagement can be initiated through the instrument, as well as how it can be reflected in the national action plans.

Our initial considerations are that the structure of a multi-stakeholder action agenda should be fit for purpose and learn from other processes such as those in the framework of the Convention on Biological Diversity (CBD), the Strategic Approach to International Chemicals Management (SAICM) and the UN Framework Convention on Climate Change (UNFCCC). It could also build upon ongoing activities, including voluntary initiatives such as the Global Partnership on Marine Litter, the “New Plastics Economy Global Commitment” from the Ellen MacArthur Foundation (EMF) and UNEP.

Meanwhile, recognizing that this should not be a top-down decision or an agreement between states only, the EU and its Member States emphasize the importance of the instrument providing policy signals to all relevant stakeholders along the plastic value chain.

Final provisions

The EU and its Member States would like to thank the secretariat for preparing this useful and thorough review of final provisions. As the document states, we note that there is an exhaustive practice of final provisions being very similar in multilateral environmental agreements, which the many helpful references clearly indicate. And which will make our job easier down the line.

The EU and its Members States find the proposed final provisions useful and relevant to the upcoming negotiations of an international legally binding instrument to end plastic pollution.

We are early in the process and the exact form for the future instrument is yet to be decided. Therefore, adjustments might be necessary once we know more about the structure of the instrument.

Clustering of subjects/elements

Firstly, the EU and its Member States would like to thank all participants for the interesting and constructive interventions during the week, both here in plenary and in the contact groups. We are encouraged to see the broad and active participation from delegates and stakeholders, which is essential for us to proceed constructively and collaboratively in the negotiations.

The EU and its Member States would like to stress again the urgency in tackling plastic pollution given the short time we have to negotiate an ambitious legally binding international instrument. For the EU and its Member States, it is important to have targeted discussions along the whole life cycle of plastics, in line with the mandate of UNEA resolution 5/14.

In that regard, the EU and its Member States see that based on the discussions we had at this INC session, there might be the need to set up contact groups starting from INC-2 and onwards. We acknowledge the concerns from small sized delegations and agree that no more than two groups should be running in parallel with plenary.

One possible way of dividing the discussion into two groups could be in a way that one group deals with substantive provisions (including sub-objectives/strategic targets and operational provisions) and another with the institutional issues/supportive measures. The organization of the work of the contact group on substantive provisions will need to be carefully considered and envisaged with different thematic workstreams that could be staggered throughout INC sessions, based on the progress of the negotiations.

Therefore, we could either stagger the work of this contact group on substantive provisions through:

- Dividing work into three thematic workstreams – 1) sustainable design and production; 2) reduction of plastic production, consumption and use; and 3) waste prevention and waste management, including collection, sorting and recycling. The contact groups could be established as needed based on this substantive clustering.
- Another option could be to build the clustering on the four strategic goals as proposed in “UNEP/PP/INC.1/7” in order to follow a start-and-strengthen approach and prioritize the way in which we tackle the different issues.

The EU and its Member States would take a flexible approach on this and are ready to listen to other suggestions from the floor, as long as the organization is in line with the mandate and clearly addresses the different stages of the plastic life cycle.

We look forward to listening to other delegations’ positions regarding the sequencing and clustering of work.

Closing statement

It is my privilege to speak on behalf of the European Union and its 27 Member States.

As we have reached the end of this first session of the INC, the EU and its Member States would like to express their deepest appreciation to your Chairmanship, for your efforts to lead us through this meeting. Your search for consensus around important issues and to move forward must be praised. The circumstances were not easy indeed and this amplifies the merit of your efforts.

We also thank the Secretariat for preparing this session in a way that allowed Members to prepare for our rich discussions. Additionally, the EU and its Member States appreciate the broad participation by stakeholders, who, we believe, have contributed in a constructive manner during this meeting.

The EU and its Member States would also thank the Oriental Republic of Uruguay, for hosting us in this beautiful country, and for your hospitality, for providing excellent conference facilities in a welcoming environment.

Mr. Chair, we agreed at United Nations Environment Assembly (UNEA) that plastic pollution must come to an end. It is a global problem and it needs global solutions.

There is an urgent need for an ambitious plan to end plastic pollution that delivers on the mandate given by UNEA. A plan that must be efficient and effective not only in the short term, but into the future, with all countries united to make the change.

For the EU and its Member States this can only be achieved if we can all agree on a global objective, supported by global rules and action that address the sources of plastic pollution. We must ensure that we are reducing the overall production and consumption of plastics to sustainable levels through concrete measures, well-informed targets, and policies to ensure effective interventions, along the entire plastics lifecycle.

Mr. Chair, we need to phase out unnecessary, avoidable and problematic plastics, including the content of substances of concern. We must introduce core obligations regarding design criteria, and other measures supporting safe and sustainable plastics. These must also aim at preventing leakages of plastic, including microplastics, into the environment. Plastics production and use is global, and national action plans alone will not be sufficient to address all important aspects of the plastics lifecycle.

Meanwhile, Mr. Chair, the EU and its Member States recognize that many types of plastics will still be needed in our economies. And these plastics should be kept there as long as possible. We therefore need this instrument to facilitate their reusability, repairability and recyclability, and to ensure plastics are safe and free from substances of concern.

But not even this, Mr. Chair, will be enough. From those most affected by plastic pollution we have heard the strong call for addressing waste management and legacy pollution. We have heard the need for a fair transition that takes into account the informal sector and those working in it, like waste pickers. We have also heard the need for robust means of implementation. The EU and its Member States are ready to engage in these discussions to find a common understanding and a path forward to ‘turn off the tap’.

Mr. Chair, the world is watching us. Moving forward, we call on you to guide us to stay on course, stay focused and within the mandate. Our task is to develop an effective treaty that leaves no-one behind. We must not fail. And we call on all the members of the committee to support you in these efforts.

The EU and its Member States are optimistic that this committee can deliver and we are motivated to working together with other Member States, stakeholders and civil society to progress towards the next session of the INC.

It’s time to roll up our sleeves and come together for an ambitious, concrete plan to end plastic pollution.