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NOTE

From: General Secretariat of the Council
To: Delegations

Subject: Third session of the Intergovernmental Negotiating Committee (INC-3) to
Develop an International Legally Binding Instrument on Plastic Pollution
(Nairobi, Kenya, 13 - 19 November 2023)
- Information from the Presidency and the Commission

Delegations will find in the Annex an information note from the Presidency and the Commission on the above subject, to be dealt with under "Any other business" at the Council (Environment) meeting on 18 December 2023.

Third session of the Intergovernmental Negotiating Committee (INC-3) to Develop an International Legally Binding Instrument on Plastic Pollution

(Nairobi, Kenya, 13 - 19 November 2023)

- Information from the Presidency and the Commission -

The third (of five) meeting(s) of the Intergovernmental Negotiating Committee (INC-3) established at the fifth meeting of the United Nations Environment Assembly (UNEA-5) in Nairobi in March 2022 to develop an international legally binding instrument on plastic pollution by the end of 2024, took place in Nairobi, Kenya, from 13 to 19 November 2023. It gathered more than 1.500 participants, representing governments, UN entities and other international organizations, academia, civil society organizations, and the private sector.

The INC was preceded by a **preparatory meeting** on Saturday November 11, focusing on areas not covered by the previous meeting of the INC, such as preamble, scope, principles, definitions and institutional arrangements of the new instrument.

The main task of the INC was to assess the **zero-draft text** of the new instrument, as prepared by the INC Chair. The meeting did so by establishing three contact groups; one covering objective, core obligations and control measures; a second group covering means of implementation, national plans, monitoring and reporting as well as compliance; and a third group discussing preamble, definitions, principles, scope, and intersessional work, including the outcomes of the preparatory meeting.

During the discussions, some delegations and particularly major oil, bulk chemicals and plastics producer countries, voiced concerns related to the proposed provisions on the reduction of the production of primary polymers, pointing out that production should be out of scope of the instrument as it does not cause plastic pollution. They showed more openness to discuss approaches to chemicals of concern and problematic and avoidable plastics, as well as other core obligations proposed in the zero-draft, but the revised draft (INC-3 outcome) shows “no provision” options for almost all upstream measures, which emphasizes that delegations are not yet convinced about the need for provisions on these areas. On means of implementation, the discussion showed convergence regarding the approaching discussion on private sector contributions, innovative financing, and addressing harmful subsidies, but the African proposal on a global plastics fee based on primary plastics production volume continues raising controversy – notably among oil/chemicals countries. Countries are divided regarding the financing mechanism, with developing countries supporting setting up a new dedicated multilateral fund and EU, UK, Japan, Canada, New Zealand and Australia in favour of using existing financial arrangements (most referring to the GEF), while the US Delegation showed some openness to a dedicated financial mechanism and including private funding.

After seven days of discussions, the **INC concluded two reading rounds** of the Zero draft resulting in more than 500 drafting suggestions that will be compiled into a first draft by 31 December 2023 and form the starting point for further negotiations at INC-4.

No agreement on **intersessional work** on key areas to support the further negotiations were made. After many efforts from the EU and others to obtain some extra time to negotiate a decision, two delegations (Russian Federation and Saudi Arabia) refused to work without interpretation and the Chair had to close the meeting before the decision was taken.

The meeting also elected a **new chair of the committee**, Mr. Luis Vayas, Vice Minister of Foreign Affairs of Ecuador, as well as a new Estonian bureau member. Furthermore, decisions were made on **Canada hosting the next session of the INC (INC-4)**, in Ottawa from 21 to 30 April 2024, as well as on **Republic of Korea hosting the fifth session (INC-5)** in Busan from 25 November to December 3, 2024. Rwanda and Peru also announced their candidacy for co-hosting the Diplomatic Conference in Kigali in 2025, demonstrating global collaboration through the “Lima-Kigali submission”, as did Senegal (Dakar). This will be decided on at INC-5.

The EU and its Member States will remain actively engaged throughout the INC process as well as in informal intersessional activities that can support the negotiations.
