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INFORMATION NOTE

From: General Secretariat of the Council

To: Delegations

Subject: Fourth session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment (INC-4) (Ottawa, Canada, 23-29 April 2024)
- 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.

Fourth session of the Intergovernmental Negotiating Committee to develop an international legally binding instrument on plastic pollution, including in the marine environment (INC-4)

(Ottawa, Canada, 23-29 April 2024)

- Statements made by the EU and its Member States

Opening Statement

Dear Mr. Chair,

Dear Excellencies,

Dear colleagues,

I have the honour to speak on behalf of the European Union and its 27 Member States.

It cannot be stressed enough; plastic pollution is one of the most pressing environmental issues we are facing today. We are therefore very pleased to be here today in the lovely city of Ottawa and wish to thank Canada for hosting INC 4. We also thank Canada for bringing ministers together and for organising together with WWF the Partnership Day ahead of the official meeting. For the final stages of the negotiations, we will need additional political momentum and we therefore would support reinforced and inclusive ministerial involvement.

We are here to speed up our common work towards a treaty which will address the full life cycle of plastics in order to stop the negative impact that plastic pollution has on our planet, our environment and our health.

A paradigm shift, especially in the upstream parts of the value chain, is essential to ensure sustainable production and use of plastics.

Mr. Chair,

The European Union and its Member States would like to thank you for the revised draft, for the scenario note and for the extensive outreach that you have carried out over these last months and weeks. This has helped our preparations and has allowed us to hit the ground running at this 4th session of the INC.

At this INC our discussions will have to shift to a higher gear. The time for real textual negotiations has arrived and we are prepared for this step in the process. We are looking forward to share our views, to listen to proposals from others and to work together to find common and ambitious ground in working towards our common goal of ending plastic pollution.

Mr. Chair,

The European Union and its Member States support the methods and modalities of work that you have set out in your scenario note. We are ready to discuss possibilities for streamlining of the revised draft in the contact groups and moving on to working on text in the subgroups as soon as possible. The EU and its Member States expect this session of the INC to address all the different parts of the draft Treaty text, with proportionate time allocated to each part. We expect this INC to produce a consolidated text that puts us into a position to finalise the Treaty by the end of this year, as foreseen in resolution 5/14. Furthermore, we expect INC4 to agree on targeted, inclusive and formal intersessional work and to set up a legal drafting group with a clear mandate.

The European Union and its Member States are looking forward to starting this work with you, Mr. Chair, with your co-chairs, co-facilitators and with all delegates.

I thank you, Mr. Chair, for your dedication and hard work and wish us all fruitful, constructive and ambitious debates in the coming days.

Statement Contact group 1

Subgroup 1.1

Thank you, co-facilitators. Dear colleagues, on behalf of the EU and its 27 member States, we would like to express our support in moving the process forward.

The EU+MS deem it essential that the valuable time that we have together is used efficiently. We are ready to start the work in the subgroups as soon as possible. We look forward to continuing the discussions in the subgroups in a constructive way to make progress on the different provisions. We have some specific textual proposals for an effective instrument that we will bring forward in the subgroups.

In view of the subgroup discussions, we would like to share some reflections of a more conceptual and structural nature that we hope can support the Chair in the approach he has proposed. In this first intervention, we will focus on some general remarks and subgroup 1.1.

On a general note, we believe the whole text would benefit from streamlining and support entrusting the Co-Chairs to undertake a technical streamlining of the text, without losing any views, the result of which could then be discussed in the subgroups. We need to ensure that we make progress on all parts of the instrument, while favouring work on substance. We should not shy away from difficult discussions in favour of areas where there might be more convergence. Adequate time for discussion is needed for all parts and provisions of the instrument.

Also, regular coordination between the co-facilitators of the different groups is necessary to avoid having parallel discussions on the same topic. In this regard, we believe all discussions related to finance and other support, but also on national plans and reporting should not take place under CG1 and the related subgroups, but under CG2.

Regarding Part I, we would strongly support the Chair's approach and advocate in favor of prioritizing the work on substance. We would therefore prefer limiting the time spent on Part I provisions.

We think the current preamble provides a good starting point and would only suggest limited amendments.

As for the objective of the treaty, we are of the view that it should be expressed in a single, succinct paragraph emphasizing that the instrument aims at ending plastic pollution in order to protect human health and the environment.

Regarding the scope and principles, we believe standalone provisions are not necessary. The scope is defined within UNEA resolution 5/14 and principles could be highlighted in the preamble and implicitly reflected across substantive provisions.

On provision 12 of Part II on just transition, we recognize the importance of promoting a just transition that is fair and inclusive to everyone concerned, particularly taking into consideration groups in vulnerable situations.

Mr/Ms co-facilitator, we thank you for the opportunity to share our perspectives on an effective way forward and will share considerations for the other subgroups under this contact group in next interventions.

Subgroup 1.2

Thank you, co-facilitator. In this second intervention, we would like to share some reflections of a more conceptual and structural nature regarding the provisions covered by subgroup 1.2.

In view of the further work towards a streamlined text, the EU and its MS highlight the need to address the full lifecycle of plastics. Measures regarding waste management and existing plastic pollution will only be efficient if sufficient measures are taken in the upper parts of the value chain. In this regard, all the provisions that are actually in the revised text shall be kept on the table and shall be adequately discussed.

First, on primary plastic polymers and provision 1 measures, the EU and its MS support the establishment of a global target on primary plastic polymer production. We believe that national targets and reporting could be addressed in a single paragraph.

On chemicals and polymers of concern, problematic and avoidable plastic products and product design: the links, interconnections and complementarity of those three provisions, respectively (2), (3) and (5) are important. In this regard we could propose to streamline these provisions as follows:

Regarding provision (2), the EU+MS see several ways to address chemicals of concern in this treaty as; we are aware that restriction of those chemicals in plastic should be done in a suitable manner. We have reflected (also on concerns from others) about the best way to address polymers of concern under the instrument and believe that they could be addressed in a product-based way under provision (3) on problematic and avoidable products, e.g., toys containing PVC.

Provision (5) on product design, would address unavoidable products through measures to improve their design, with the aim of reducing the demand for primary plastic polymers, to increase safety, to minimize emissions and releases (including microplastics), to increase their capacity to be reused, recycled, repaired, refilled, refurbished and repurposed. This could be operationalized through generic design criteria. In a later stage, sectoral criteria could be developed by the governing body.

In this regard, the EU and its MS support the provision 4bis on Dedicated programmes of work, which would be established to support the implementation of the instrument.

On provision (4), EU+MS recognize that exemptions will be needed under this treaty. We are open to discuss how they could be granted and where this could best be addressed in the treaty.

Inspiration could be drawn from the wording and process used under existing MEAs, e.g. : Stockholm Convention, Minamata Convention, Montreal Protocol.

On provision (6) on non-plastic substitutes, EU+MS do not see the need to have a dedicated provision on non-plastic substitutes as the focus of the instrument should be on plastic and plastic products.

On provision (10), the EU+MS see a need for inclusion of trade measures in order to have an effective instrument. This is also done under other MEAs and is fully compatible with WTO rules. Duplication with relevant existing MEAs such as the Rotterdam Convention will need to be avoided.

On provision (13), to EU+MS transparency is key. We need to have strong measures regarding harmonization of information, but also, on traceability and labelling measures across the value chain of plastic, notably regarding their chemical content.

EU+MS prefer to address monitoring in Part IV under the provision of Periodic assessment and monitoring of the progress of the implementation of the instrument.

Thank you.

Subgroup 1.3

Thank you, co-facilitator. In relation to subgroup 1.3, the priority for the EU+MS is that the future instrument contains robust provisions on the production stages and product design of plastics and plastic products and the transition to a circular economy. This is needed to address the problem of plastic pollution at its sources.

We are, however, also in favour of clear provisions on the waste phase of the plastic life cycle. They are necessary to complement the upstream measures and address the current challenges linked to the mismanagement of plastic waste.

The EU+MS consider EPR, under provision 7, as a key mechanism to implement different core obligations of this instrument, which means not only addressing waste management, but also incentivizing circular products. It is essential that the treaty introduces a requirement for parties to establish EPR schemes. We see a lot of common elements across the different options of the zero draft and believe that there is room for technical streamlining. This is especially the case for the following points:

- Taking into account national circumstances,
- Applying a product or sectoral approach
- Contributing to a just transition, taking into account waste pickers and other informal workers.

Regarding provision 8, for the EU+MS the instrument should prevent emissions and releases of plastics but also of chemicals and polymers through plastic full life cycle to all environmental compartments, using a sectoral approach and starting with priority sectors. These measures should be complemented by minimum requirements to prevent and eliminate emission and releases notably with a focus on pellets and microplastics from wear and tears of plastic and plastic products.

In order to avoid having discussions on fishing gear in two subgroups at the same time (in case under respectively provision 8 and 9b, which are covered under different subgroups), we would like to have clarity from the chair in which subgroup it should be discussed.

There are currently no legally binding provisions at the global level on the management of plastic waste. The EU and its MS consider this as a gap that could be filled by the future instrument under provision 9a on waste management. We would like to see the text strengthened and clarified on what environmentally sound management of waste could mean in the context of the treaty.

Regarding provision 10b, the environmental challenges on global trade in plastic waste are important to the EU+MS. However, the Basel Convention is the appropriate multilateral environmental agreement to deal with these challenges. Therefore, the EU + MS don't see the need for a standalone provision on this.

Regarding provision 11 on existing plastic pollution, including in the marine environment, the EU+MS recognize the severity of the issue and look forward having the discussion within the subgroup and hearing other parties views, especially from developing countries and SIDS.

Thank you, co-facilitator. We look forward to continuing working with you and the distinguished delegates.

Statement Contact group 2

Subgroup 2.1

Thank you, co-facilitators. Dear colleagues, on behalf of the EU and its 27 member states, we would like to express our support in moving the process forward.

The EU+MS deem it essential that the valuable time that we have together is used efficiently. We are ready to start the work in the subgroups as soon as possible. We look forward to continuing the discussions in the subgroups in a constructive way to make progress on the different provisions. We have some specific textual proposals for an effective instrument that we will bring forward.

In view of the subgroup discussions, we would like to share some reflections of a more conceptual and structural nature that we hope can support the Chair in the approach he has proposed.

On a general note, we believe the whole text would benefit from streamlining and support entrusting the Co-Chairs to undertake a technical streamlining of the text, without losing any views, the result of which could then be discussed in the subgroups. We need to ensure that we make progress on all parts of the instrument, while favouring work on substance. We should not shy away from difficult discussions in favour of areas where there might be more convergence. Adequate time for discussion is needed for all parts and provisions of the instrument.

Also, regular coordination between the co-facilitators of the different groups is necessary to avoid having parallel discussions on the same topic. In this regard, we believe all discussions related to finance and other support, but also on national plans and reporting should not take place under CG1 and the related subgroups, but under CG2.

In this first intervention, we will focus on the topics covered by subgroup 2.1, that will have the task to work on Part III.

The EU+MS welcome the holistic view on means of implementation that we see reflected in Part III of the revised zero draft;

We believe the text in this Part is already quite well structured and that we could work with it, except for paragraphs 6 and 7, where a streamlined text for Options 1 and 2 would benefit the flow of the negotiations.

The discussions on the form of the financial mechanism are intrinsically linked to the broader financing landscape and, importantly, the identification and mobilization of resources.

We are therefore delighted to see an integrated approach to resource mobilization in the revised zero draft, recognizing the critical role of all sources, including private contributions.

When discussing Part III.1, we should consider all relevant Parties and actors in the specific context of a treaty on plastic pollution, as well as the extensive range of contributions to support the implementation of the instrument, thereby also looking beyond the role of a robust financial mechanism.

Furthermore, we would like to share two elements that we believe should not be covered under part III. First, whereas the EU and its MS are open to considering proposals on research and development, we believe they fit better under part IV. Secondly, trade-related provisions should be dealt with in Part II.10.

Mr/Ms co-facilitator, we thank you for the opportunity to share our perspectives on an effective way forward and will share considerations for the other subgroups under this contact group in next interventions.

Subgroup 2.2

Thank you, co-facilitators, for the opportunity to share some reflections of a more conceptual and structural nature for the provisions covered by subgroup 2.2.

Within Part IV of the revised zero draft,

- the EU and its MS would like to highlight that the interdependencies between the provisions on the national plans, monitoring, reporting, effectiveness evaluation, and the measures included under Part II, including transparency, should be clearly established under the instrument.
- We are very supportive of the basis for an environmental monitoring provision that is integrated under provision Part IV.4a. However, we believe that such provision should be complemented with monitoring obligations throughout the full plastic life cycle. For now, references to such monitoring provisions are scattered throughout the revised zero draft, and the EU+MS would see merit in clustering these obligations under a dedicated provision, not least because this would make it more accessible for interpretation and implementation. The EU+MS are ready to share a list of these provisions included under Part II, Part IV.4a, Part IV.3, if that could help the co-facilitators in clustering those obligations.
- We see great value in the provision Part IV.4b/c regarding a general assessment of the state of knowledge and impact on the environment and human health of chemicals and polymers of concern and problematic and avoidable plastics and plastic products. This provision should be seen in conjunction with the control measures and potential listing process under provisions 2 and 3 under Part II.
- Provisions 5 to 8bis under Part IV are also of significant relevance and we trust that these are areas where much convergence could be found. When we start discussing these, we should avoid prejudging references to elements that fall under the scope of other subgroups.

- Regarding Part V and VI, the EU and its MS believe these discussions are very much dependent on the content of other Parts of the text. We therefore prefer to work on these Parts once other parts are more developed. Regarding Part VI, the EU+MS are ready to exchange views on the final provisions but would require clarification on whether the Secretariat will support the committee by presenting a first draft for this Part, based on examples from other MEAs.

Thank you.

Statement Intersessional work

The EU and its 27 Member States thank you Chair, for your proposal on intersessional work. We believe it is a balanced proposal and we can support it.

We find the participation of stakeholders important and support the participation of a limited number of observers, as suggested by Uganda and others. Additionally, we would find it very useful to have specific technical experts invited to the meeting to share information with the experts. We believe this will be beneficial for the discussions at the meeting.

We believe it would be useful for the expert meeting to have an input document at its disposal prepared by the Secretariat, on issues related to chemicals of concern, problematic and avoidable products, and product design, including criteria for these, as well as examples of chemicals and products that would fulfil these criteria.

On means of implementation, we support the US in looking beyond the financial mechanism and the need to also reference other sources of financing needed to achieve the objectives of the instrument, namely aligning financial flows, catalyzing finance, and enhancing resource transparency.

We could also support intersessional work on the issues raised by Peru and Rwanda.

Finally, there needs to be a clear understanding of how the results of the intersessional work will be taken up for consideration by INC-5.

I thank you, Chair.

Closing statement

Dear Mr. Chair,

Dear Excellencies,

Dear colleagues,

I have the honour to speak on behalf of the European Union and its 27 Member States.

Let me start by thanking the Chair, Ambassador Luis Vayas Valdivieso, the Co-Chairs and the co-facilitators for their tireless efforts to facilitate our discussions the past week. We also want to thank the Secretariat for all their hard work and the government and people of Canada for their hospitality.

We came to Ottawa with high expectations. The world also had high expectations for all of us. We thank all those who opened their hearts to us about the daily impacts they experience of unsustainable production processes. It therefore pains us to say it, but, although we did make some progress, but not enough.

We need to do better. We need to do everything in our power to prevent a tipping point where we might have no remedies to address plastic pollution anymore.

Dear colleagues, let's face it. We get 7 more months to do it right. 7 months :

- To address the full plastics life cycle and plant a seed for the circular economy of tomorrow, one that will improve the livelihoods of millions, create opportunities for dignified jobs, and that is respectful of the environment and human health.
- to explore and open the way for innovative approaches to resource mobilization, that reflect the responsibilities for the costs of pollution prevention appropriately, in addition and not as a diversion from fair burden sharing.

We did not reach the progress we need, but have listened, have exchanged ideas, explained ours and gained understanding. We made sure that the text we will have in front of us at the next session is a basis for future negotiations.

We are pleased to have agreed on technical work in the intersessional period. This should ensure that we further ground the scientific basis on chemicals on concern, problematic and avoidable plastic products alongside our work on resource mobilization.

Mr Chair; We do regret the omission of primary plastic polymer production from formal intersessional work. But rest assured – the EU and its MS remain convinced that addressing unsustainable levels of plastic production is needed, if we are serious about ending plastic pollution. We are also pleased to announce that the EU intends to join the “Bridge to Busan Declaration” launched this week, and welcomes its aim for a global objective regarding the sustainable production of primary plastic polymers.

Looking forward to the next sessions, we will need additional political momentum and we therefore would support reinforced and inclusive ministerial involvement during the negotiations, in particular at INC5.

We are up for the challenge. We believe we can all come together in Busan and decide on ambitious measures to end plastic pollution in order to save our health and our planet.

The world is watching us. Civil society, scientists, future generations and those already most affected by plastic pollution count on us.

Thank you.