



## DIALOGUE ON PLASTIC POLLUTION AND ENVIRONMENTALLY SUSTAINABLE PLASTICS TRADE

PRE-PLenary MEETING HELD ON 23 NOVEMBER 2023

*Aide Memoire<sup>1</sup>*

### 1 INTRODUCTORY REMARKS BY COORDINATORS

1.1. The Dialogue on Plastic Pollution and Environmentally Sustainable Plastics Trade (Dialogue) comprising – at the time – of 76 co-sponsors<sup>2</sup> held their fourth pre-plenary meeting for 2023 on 23 November. It was chaired by the coordinators from Australia (Mr Dhinesh Thanenthirarajah) and China (Mr Xiaohui Zhang).

1.2. Coordinators<sup>3</sup> recalled that the objective of the meeting was to present and discuss the **Second Draft** ([INF/TE/IDP/W/10/Rev.1](#)) of the group's possible 13<sup>th</sup> Ministerial Conference (MC13) Statement as well as the fully developed "compilations" of actions, policies, goods and services that would be attached to the Statement.

1.3. Ecuador emphasized that coordinators had been meeting constantly to review all comments received from delegations and stakeholders on the First Draft of the potential MC13 outcomes and that they hoped the new version captured the views, efforts and contributions of Members. China noted the hard work that had been put into the Dialogue and the close cooperation with other organizations. He also noted that the meeting presented a crucial opportunity to discuss any topics related to the MC13 Statement and factual compilations presented, contributing to the advancement and stabilization of the text. Australia presented the agenda, which included a WTO Secretariat presentation of the two surveys' factual reports, followed by coordinators' presentation of the new draft of the MC13 outcomes and a briefing by the Secretariat of the Intergovernmental Negotiating Committee on Plastic Pollution (INC) on the outcomes of the third meeting of the INC (INC-3).

### 2 DIALOGUE SURVEYS FACTUAL REPORTS AND MC13 OUTCOMES BRIEFINGS

2.1. The WTO Secretariat presented ([INF/TE/IDP/RD/138](#)) selected insights from the factual report of the Aid for Trade (Aft) Global Review and Needs Assessment survey ([INF/TE/IDP/W/12](#)) and from the factual report of the Trade-Related Plastics Measures (TrPMs) survey ([INF/TE/IDP/W/11](#)). Both surveys had been launched in June 2022 to collect information from co-sponsors and the results had

<sup>1</sup> This aide memoire is being shared to provide delegations with a brief overview of the discussions and assist them in reporting back to their capitals as well as to the Dialogue plenary meeting. It provides a non-exhaustive, illustrative review of the issues addressed by Members and Stakeholders at the meeting.

<sup>2</sup> Albania; Angola; Australia; Austria; Barbados; Belgium; Bolivia, Pluri-national State of; Bulgaria; Cabo Verde; Cambodia; Cameroon; Canada; Central African Republic; Chad; Chile; China; Colombia; Costa Rica; Croatia; Cyprus; Czech Republic; Denmark; Ecuador; Estonia; European Union; Fiji; Finland; France; Gambia; Germany; Greece; Honduras; Hong Kong, China; Hungary; Iceland; Ireland; Italy; Jamaica; Japan; Kazakhstan; Korea, Republic of; Latvia; Lithuania; Luxembourg; Macao, China; Maldives; Malta; Mauritius; Mexico; Morocco; Netherlands; New Zealand; Norway; Panama; Paraguay; Peru; Philippines; Poland; Portugal; Romania; Russian Federation; Samoa; Saudi Arabia, Kingdom of; Singapore; Slovak Republic; Slovenia; Spain; Suriname; Sweden; Switzerland; Thailand; Tonga; United Kingdom; United States; Uruguay; and Vanuatu.

<sup>3</sup> The Dialogue coordinators are: Australia, Barbados, China, Ecuador, Fiji and Morocco.

been used as basis for the compilations that could be attached to the MC13 Statement. The reports had been prepared by the Secretariat upon request by the coordinators and offered a wealth of information on both topics.

2.2. According to the WTO Secretariat, respondents to the Aft Global Review and Needs Assessment survey had made several suggestions to improve the Aft questionnaire and better identify plastic-related issues in the global review, including sharing of cases studies, existing domestic programmes, assistance priorities and a standardized prior categorization of plastic-related information. Suggestions also covered how to improve Members' engagement in the Aft review process regarding plastic pollution issues, including closer collaboration with the DPP, a public platform containing good practices and training and capacity building workshops for delegates. A series of stakeholders were indicated as being useful to be engaged in plastic-related Aft review and implementation activities and specific topics.

2.3. The report had also indicated the main priority areas identified by Aft recipient partners who responded to the survey. Improving the environmentally sound management, recovery and recycling of plastics, moving towards more circular economies and design and implementation of trade policies to address plastic pollution ranked as the top three priorities. With regards to specific needs most often raised by recipient partners responding to the survey, those were: domestic private sector engagement, followed by domestic civil society engagement and access to technology. Finally, the survey had identified a series of existing plastic-related Aft programmes, both from Members and from international and regional institutions.

2.4. Next, the WTO Secretariat provided an overview of the responses and insights gained from the TrPMs survey exercise. The presentation highlighted, *inter alia*, the recent steep growth in TrPMs, totalling 223 measures in the dataset from 85 different WTO Members, mostly from developing and least-developed Members. These measures were applied mostly mid- and downstream in the value chain life cycle and the most common objectives pursued were waste management and leakage avoidance, followed by addressing single-use plastic goods, recycling and eco-designing. The most common types of measures identified had been technical regulations or specifications, followed by bans. The survey also captured the types of products most often targeted. These were packaging, followed by wastes, bags, tableware and food containers. The Secretariat noted that even when TrPMs included the same type of measure on the same product (e.g. restrictions on single-use plastic bags), the report indicated there were important differences on how Members were specifying requirements and restrictions. The survey also provided a breakdown of the activities (e.g. sale/distribution, production, consumption, import, export) most often targeted by the TrPMs, noting some potential gaps in coverage.

2.5. Additionally, the presentation noted that promotion had been a key topic of discussions in the Dialogue with the objectives of promotion of alternatives and substitutes and of waste management and other technologies identified in 76 and 28 TrPMs, respectively. In total, 39 TrPMs included a mechanism to assess the policies efficacy and targeted results and the Secretariat provided an overview and examples of those. Finally, the survey had captured specific challenges and needs identified by respondents for the implementation of TrPMs, with domestic private sector engagement, followed by access to technology and technical assistance on policy implementation rating at the top.

2.6. China encouraged Members to continue to share information regarding their TrPMs as well as the needs they were facing. One delegation requested the Secretariat's presentation to be shared, while another delegation noted their appreciation of the work accomplished and the efforts put in preparing the analysis.

2.7. China then presented the Second Draft of the "Possible MC13 Statement" that had been recently circulated. He emphasized that coordinators had carefully examined all comments received from Members and tried to reflect them in the Second Draft, in a balanced way, aligning with the Dialogue's 12<sup>th</sup> Ministerial Conference (MC12) Statement and the work of the Dialogue since then. Additionally, he pointed out that the Dialogue had considered two important points previously raised by Members regarding the First Draft. The first revolved around the connection between the MC13 Statement and the annexes, now renamed "Open, Illustrative, Non-Exhaustive and Evolving Compilations". The second main point raised by Members had been regarding the relationship between the Dialogue and the ongoing INC process.

2.8. Next, the coordinators presented the full version of the potential factual compilations ([INF/TE/IDP/RD/146](#)). Morocco underlined the nature of the compilations and that they captured objective discussions held in the Dialogue, based on experiences, studies, technical and scientific information shared by delegations and stakeholders. He also noted that these discussions had been reflected in the Dialogue's aide-memoires and informal summaries of meetings, the factual summaries prepared for the two technical workshops and the factual reports of the two dedicated surveys.

2.9. Australia added that the items identified in the factual compilations were not meant to indicate the "best" or "necessary" policies that should be taken. He highlighted that the compilations were non-exhaustive. He also noted that the inclusion of specific measures was not meant to indicate that all co-sponsors were using every single measure, as they were illustrative and open. He also emphasized the need to periodically update the compilations based on global, regional and domestic efforts, including those of other international processes, and technical and scientific developments. Lastly, he reminded that the compilations were not binding in any way to co-sponsors nor were intended to prejudge the work in other international processes, including the ongoing INC process.

2.10. Nine delegations took the floor to comment on the Second Draft and the compilations. Many delegations expressed appreciation regarding the adjustments made to the Second Draft reflecting the views of Members and recent developments in the plastic pollution discourse. One delegation emphasized that trade-related cooperation was key to support global efforts to end plastic pollution. Another delegation welcomed the revisions in the proposed actions and cooperation mechanisms, indicating a shift towards prioritizing feasible and effective measures.

2.11. Some delegations expressed reservations about specific items in compilation V concerning alternative plastics and non-plastic substitutes and other relevant goods, services and technologies. Relatedly, some delegations pointed out that the current language in the Statement could be misconstrued to imply endorsement of the compilations. One delegation noted that the compilations added value and were very detailed and another delegation welcomed the reflection of concrete examples and practices, emphasizing that information sharing would hopefully help in addressing the issue of global plastic pollution.

2.12. Several delegations recalled the importance of signaling a high level of ambition in the Statement and in the Dialogue's work. Many delegations reiterated the need to maintain an alignment between the Dialogue and INC processes, emphasizing that the discussions at WTO should not prejudge the outcome of ongoing negotiations. Some delegations questioned, in the preamble of the Second Draft, the use of the term "ambitious" when calling for the INC process result in an international legally binding instrument on plastic pollution. One delegation described the term as unclear, while another delegation underscored that it could potentially affect Member's views in that process.

2.13. One delegation expressed apprehension that the outcomes of the INC could be adopted by majority vote and impinge upon WTO rights and obligations. Another delegation highlighted the need to better understand the impact of the INC's zero draft on trade, noting that trade-related policies on plastics had been discussed in depth at INC. The delegation encouraged seeking a balance between both processes and asked about the extent of the WTO Secretariat participation at the INC process. In response, the WTO Secretariat clarified that, as it did with other Multilateral Environmental Agreements negotiation processes, it observed the INC and, when invited, presented relevant developments on plastics discussions at the WTO, in particular the work of the Dialogue. The Secretariat noted it would share the presentation made at INC-3 with delegations ([INF/TE/IDP/RD/139](#)).

2.14. Some delegations observed that consensus on the definition of "harmful and unnecessary plastics and plastic products" had not yet been reached. One delegation noted that these terms were under discussion in the INC process. Under the "actions" included in the Statement, one delegation, while welcoming the reference to the promotion of cooperation on trade in environmentally sound, safe and effective non-plastic substitutes, suggested defining these substitutes based on scientific evidence and economic effectiveness. Furthermore, another delegation proposed incorporating the term "appropriate" to specify the need to implement "appropriate trade-related policies and measures", as mentioned in the paragraph addressing trade-related capacity building and technical assistance needs for developing Members, emphasizing that not all trade-related policies are suitable for every context.

2.15. Stakeholders also took the floor to offer comments on the Second Draft and the compilations. The Center for International Environmental Law (CIEL) noted that the WTO's role in addressing plastic pollution was crucial and commended its contribution to the INC process. CIEL underlined that the wording used in the Statement, regarding the relationship with the attached compilations, might suggest that they were collectively agreed to. Additionally, CIEL proposed mentioning that the compilations were subject to review, following the adoption of the international legally binding instrument, ensuring there was no disconnection between the Dialogue and the INC processes. Furthermore, they urged the inclusion of an action related to plastic waste in the MC13 Statement ([INF/TE/IDP/RD/141](#))

2.16. The Forum on Trade, Environment, & the SDGs (TESS) welcomed the evolution of the Dialogue's work, emphasizing international cooperation, and described the Dialogue as a valuable space for deliberation. They commended the compilations, encouraging their reference in the Ministerial Statement. TESS highlighted the importance of addressing trade-related cooperation for developing Members, including capacity building. They welcomed the proposed mechanism to match existing funding opportunities with specific needs identified by developing Members. TESS supported the development of a post-MC13 Dialogue workplan and emphasized the need for early synergy with the plastics treaty negotiations. Furthermore, TESS encouraged Dialogue Members to present at MC13 the specific trade-related actions to tackle plastic pollution they would be willing to adopt, aligning with the urgency emphasized by the United Nations Environment Assembly (UNEA) resolution on the plastics treaty. Additionally, they referred to their recent publications: a policy paper co-published with the International Organization for Standardization (ISO) on international cooperation and standards to end plastic pollution; and a policy brief on trade-related cooperation on problematic and avoidable plastics. Lastly, TESS noted a forthcoming policy brief with Quaker United Nations Office (QUNO) on the role of trade policy in promoting environmentally sound plastic waste management technologies and services, emphasizing downstream aspects of waste management ([INF/TE/IDP/RD/147](#)).

2.17. UNCTAD underlined the growing convergence on the need for non-plastic substitutes and plastic alternatives based on scientific evidence and local contexts. They referred to their studies prepared to support the INC and Dialogue processes, including a study on trade in services for prevention and mitigation, a study on marine-based substitutes, a study on the health impact of plastics pollution from a practical project standpoint.

2.18. Trisia Farrelly, on behalf of the Scientists' Coalition for an Effective Plastics Treaty, noted that the Scientists' Coalition was dedicated to facilitating access to evolving plastic pollution science for WTO Members and countries involved in the INC. Expressing gratitude to the Dialogue coordinators for sharing the Ministerial Declaration with stakeholders, they emphasized the critical importance of the Dialogue's inclusivity and transparency. They underlined that their position emphasized the 'essentiality' approach in assessment criteria, hazard-based assessments over risk-based assessments, and the application of the precautionary principle in assessing chemicals, materials, products, technologies, and systems and services, aligning with their commitment to a fair transition. They mentioned the Plastic Health Council presentation at INC-3, that highlighted health risks from plastics and alternatives, including infertility, cancer, and cognitive disorders. Further, the Scientists' Coalition encouraged the compilations to be based on commonly agreed, scientifically robust criteria and regular reviews post-adoption. They proposed the Ministerial Statement recognize that the compilations should be subject to review following the adoption of the international legally binding instrument on plastic pollution, including in the marine environment. Finally, The Scientists' Coalition applauded the Statement's acknowledgement of regular reviews for the compilations, reminding the crucial need for alignment between Dialogue and INC processes during these assessments ([INF/TE/IDP/RD/142](#)).

2.19. QUNO acknowledged the substantial work undertaken in drafting the Statement. They highlighted the importance of waiting for INC deliberations before collectively encouraging certain non-plastic substitutes and alternatives within the Dialogue framework. Additionally, they suggested clarifying in the Statement that the compilations' lists represented individual Members' approaches and were subject to review after the adoption of the international plastic pollution instrument. Furthermore, QUNO underscored the submissions made to INC-3 and New Zealand's non-paper, which had highlighted the need for transparency in production, imports, exports of chemicals and polymers used in plastic production, as well as related subsidies and other fiscal incentives. They suggested that the Dialogue should facilitate initial reporting on subsidies, aligning with existing WTO practices and supporting INC process objectives ([INF/TE/IDP/RD/145](#)).

2.20. The International Union for Conservation of Nature (IUCN) reiterated the importance of the intersections between the WTO and the INC processes. IUCN noted that the Statement should serve as a clear recognition of the triple planetary crisis, with trade as a cross-cutting element in addressing climate change, biodiversity loss and pollution, especially plastic pollution. They emphasized the importance of recognizing the connections between trade, plastic pollution and biodiversity protection as essential. Furthermore, they suggested mentioning the need for the compilation addressing “environmental, social and health impacts” specifying that it included “environmental health, biodiversity health and human health”, as well as references to the Convention on Biological Diversity and to the 2022 Kunming-Montreal Global Biodiversity Framework. IUCN advocated for integrating just transitions throughout the entire life cycle of plastics, including in trade practices, as part of shared principles, along with nature positive systems and solutions to address plastic pollution ([INF/TE/IDP/RD/143](#)).

2.21. The Organisation for Economic Co-operation and Development (OECD) welcomed the Dialogue's efforts to provide a forum of discussions, as well as the efforts to compile information into a draft Statement for MC13. Furthermore, they referred to their report in the process of publication, with inputs from TESS, titled “Trade Policies to Promote the Circular Economy: A Case Study of the Plastics Value Chain”. Their analysis suggested that restrictions on certain plastic products were necessary due to limitations in tariff adjustments, consumer awareness, and the disproportionate administrative costs of tariff collection compared to environmental benefits. The report emphasized the importance of government incentives and regulations tailored to local priorities and international cooperation to address plastic pollution effectively ([INF/TE/IDP/RD/144](#)).

2.22. One delegation sought clarification on the precautionary principle, mentioned by the Scientists' Coalition for an Effective Plastics Treaty. CIEL commented that the precautionary principle was mentioned in the Rio Declaration and emphasized that the Rio Declaration was referred in the UNEA resolution 5/14 to end plastic pollution. Additionally, they referred to the document A/HRC/49/53 from the Human Rights Council to the UN General Assembly, underlining the mention of the precautionary principle in addressing the right to a clean, healthy, and sustainable environment. Some delegations reiterated the importance of maximizing synergies and ensuring that the decisions from the trade side were not detrimental to an ambitious INC result.

### **3 INC-3 OUTCOMES BRIEFING**

3.1. Delegations were briefed by the INC Secretariat, on the outcomes of INC-3 ([INF/TE/IDP/RD/140](#)). They noted that delegations had had two rounds of discussions on the draft-zero prepared by the INC Chair with support of the INC Secretariat. After the discussions, the revised draft-zero included all options and proposals delegations felt had not been correctly reflected in the initial draft. Delegations had not agreed to intersessional work. The next session – INC-4, was scheduled for the end of April 2024.

### **4 CONCLUDING REMARKS BY COORDINATORS**

4.1. The coordinators expressed their gratitude to all participants for their active engagement and contributions. Australia underlined the deadline of December 8 for written comments on the Second Draft. They invited Members to engage with the coordinators. Finally, China encouraged all Members, particularly developing Members, to join the Dialogue.

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