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**DIALOGUE ON PLASTICS POLLUTION AND ENVIRONMENTALLY SUSTAINABLE
PLASTICS TRADE**

PRESENTATION BY CIEL

Pre-Plenary Meeting – 16 February 2023

DOCUMENT DE SÉANCE NON OFFICIEL¹

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* In Original language only/En langue originale seulement/En el idioma original solamente.

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Reporting from the Plastics Treaty Negotiations

INC2 Pre-session submissions - 16 Feb 2023

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'Most significant environmental deal since Paris':
UN agrees on landmark plastic pollution treaty



Delegates hug at the fifth session of the United Nations Environment Assembly (UNEA) after negotiating a global plastic treaty. © Copyright: AFP

Objective of INC2 Submissions

- **Date of INC2 has changed: week of the 29th of May** instead of week of the 22nd of May 2023
- At its first session, the intergovernmental negotiating committee requested the secretariat to prepare for consideration by the committee at its second session a **document with potential treaty options**. This document intends to identify or clarify:
 - The objective of the treaty; and
 - Substantive treaty provisions including:
 - **core obligations,**
 - **control measures,**
 - **voluntary approaches,**
 - **implementation measures.**

INC 1 Recap

- Clear policy and narrative **shift from plastic leakage into the ocean** to also **include upstream issues, toxicity, and health.**
- Rules of procedures are **not yet final.**
- **Discussions on conflict of interest on the rise.**



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Submissions from States

56 State's Submissions + 3
submissions by group of States
→ African Group (54
States); EU (27 MS); GRULAC (33
States); HAC



44/56 States are WTO members → 21
DPP members + African Group, GRULAC,
HAC (which also include DPP and WTO Members)



Submissions from Stakeholders

As of today there are + **170 Submissions**, e.g.:

International Organisations	NGOs & Academic	Business Associations and Industry
Secretariat of the Basel, Rotterdam and Stockholm convention; Office of the UN High Commissioner for Human Rights (OHCHR); United Nations Development Programme (UNDP); United Nations Industrial Development Organization (UNIDO); United Nations Human Settlements Programme (UN-Habitat) etc.	Basel Action Network (BAN); Zero Waste Europe; MarViva; PEW; International Union for Conservation of Nature (IUCN); International Pollutants Elimination Network (IPEN); Ellen MacArthur Foundation (EMF); Environmental Investigation Agency (EIA); International Alliance of Waste Pickers etc.	African Petroleum Producers' Organization; Circular Economy for Flexible Packaging (CEFLEX); International Council of Chemicals Associations (ICCA); International Council of Beverages Associations (ICBA); International Chamber of Commerce (ICC) etc.



State's Submissions

Preliminary overview



Objective and Scope

• Life cycle (a lot of Submissions focus or address upstream measures) • Plastic production reduction • Trade • Taxes • Extended Producer Responsibility • Transparency of plastic chemicals additives • Research promotion • Technology transfer • Capacity building • Technical assistance • Waste hierarchy • Specific needs and circumstances of developing countries

"We support the proposed comprehensive approach of "addressing the **full lifecycle of plastics**" inter alia, covering the **design, production, trade, consumption and waste management** (collection, disposal and recycling) of plastics. Particular attention should be paid to reducing the total volume of global plastic production, targeted at single-use plastics as well as supporting low- and middle- income countries to enhance plastic waste management and prevent land- and -sea- based leakages"



Cambodia



European Union

"The elements that the EU and its Member States would seek in the overarching objective of the instrument are:
o To **end** plastic pollution
o To protect **human health** and the **environment** against **pollution caused by the production, use and discharge** of plastics **across its life cycle**
o To aim at a **circular economy for plastics** "

"In their actions to achieve the objective and to implement the provisions of the instrument, Parties should: a) be guided by the **precautionary principle** and the **polluter pays principle** set forth in Principles 15 and 16 of the Rio Declaration on Environment and Development; b) **avoid, as far as possible, actions with adverse consequences notably on climate, biodiversity, and food security**; c) take into account the **waste hierarchy** ; d) **reflect the specific needs and special circumstances of developing countries.** "



Switzerland

Bans, phase outs, prohibitions, restrictions, reductions, or moratoriums

Upstream

"Global targets to **reduce the production of primary plastic raw material**."
 "The future instrument should include core obligations to **eliminate** (through bans and phase outs) **or restrict** (through phase downs) such substances to be used as **additives** in plastic products and **certain polymer**."
 "Certain products are particularly prone to littering due to their intended use and/or are considered especially harmful to human health and the environment. The instrument itself should require **eliminating and restricting the production, consumption and use of such products**. These products could be listed in one or several Annexes depending on type of measure."
 (EU)



"Each Party should be required to take effective measures to **reduce the total supply of plastic precursors**, including **primary plastic polymers** by controlling their manufacture, export, and import and place on the market at an agreed level to reach a common target, consistent with the goal of eliminating plastic pollution by 2040"
 (Ecuador)



Midstream

"**Phasing out non-essential plastics including single-use plastics**"
 (Cambodia)



"**Elimination and banning** of unnecessary single-use plastics and difficult plastics"
 (Nigeria)



"General obligations should be required for the countries for **plastic reduction**, such as **banning, taxes, special conditions for permitting of plastic production**" (Georgia)



"Core obligation - provision to **phase-out specific polymers, chemicals of concern and plastic products** - criteria: (a) harmfulness to the environment and/or human health leading to bioaccumulation and toxic long-term effects (for ex. carcinogenic, reprotoxic, endocrine disruptors). This could include plasticizers like phthalates and bisphenols (like bisphenol-A, but also alternatives such as bisphenol-S), and toxic metals (like lead, cadmium)"
 (Switzerland)



Downstream

"Controlling by **phasing out the production, use and trade of problematic and toxic plastic products**:"

"To prevent the production and releases of toxic emissions from plastics waste management, policies should **prohibit** the following dangerous practices: **open burning, incineration, firing in coal-fired power plants and other waste-to-energy processes, co-processing in cement kilns, and chemical recycling**"
 (Africa Group)



Trade specific mentions

Trade restrictions:

"Controlling by **phasing out** the production, use and **trade of problematic and toxic plastic products** ;
 "Mechanisms to reduce the production, consumption and trade of specific products, polymers or additives with corresponding annexes";
 "Controlling plastic waste trade including synergies with the Basel Convention and the Bamako Convention for the African region"
 (Africa Group)



"General obligation to **reduce the total supply of primary plastic polymers**. Each Party should be required to implement effective measures to **limit** the manufacture, **export and import of primary production of plastic polymers** to an agreed level consistent with the goal of eliminating plastic pollution by 2040."
 "The manufacturing, **import, export and placing on the market of polymers and chemicals listed in an Annex should be phased out by a specified date**"
 "The manufacturing, **import, export and placing on the market of plastic products listed in an Annex should be phased out by a specified date**"
 (Switzerland)



"Bans on the production and trade of harmful substances and additives"
 (Cambodia)



Non-Party trade measures:

"**Introduce non-Party trade measures**
 Explanatory text: The instrument should contain measures restricting the import of plastic products regulated (not meeting the instrument's requirements and standards) under the instrument from non-parties."
 (EU)



"Non-Party trade measures. Each Party should be required to apply the import and export requirements for listed polymers, chemicals and plastic products to Parties and non-Parties alike on a non-discriminatory basis."
 (HAC)



WTO mentions:

"In relation to the core obligation on provision to reduce production of primary plastic polymers -General obligation: each Party should be required to take effective measures, **in alignment with the World Trade Organization (WTO) commitments** and other obligations under international agreements wherever required, to reduce the production of plastics polymers to an agreed level to reach a common target"
 (Uruguay)



"Cualquier medida de control u enfoque que se promueva para cumplir con los objetivos del instrumento de reducir la contaminación por plásticos, incluso en el medio ambiente marino, debería ser **compatible con las reglas de la Organización Mundial del Comercio**."
 (Argentina)



Plastics related Subsidies

Removal of subsidies that support the expansion of plastic production as core obligations:

"**General Obligation:** Each Party should be required to take effective measures to reduce the production of primary plastics polymers to an agreed level to reach a common target. **Measures could include**, inter alia, taxes, tariffs, fees, production permits and licenses, moratoriums, bans, regulations, and **removal of negative fiscal incentives, such as subsidies that support expansion of plastics production**"
(HAC Co-Chairs)



"All parties to **eliminate subsidies for fossil fuels used as raw materials and for petrochemicals destined for virgin polymer production.**"
(Cook Islands)



"the **removal of negative fiscal incentives, such as subsidies that support the expansion of plastics production.**"
(Ecuador)



"**removal of negative fiscal incentives, such as subsidies that support expansion of plastics production**"
(Monaco)



Adding subsidies for recycling:

"dedicating subsidies for recycling plastic waste or recycled content"
(Sierra Leone)



Substitutes and Alternatives to Plastics

Generally no distinction between alternatives & substitutes

"Promotion of **reuse alternatives** particularly for packaging sector"
(Nigeria)



Exception

"The instrument should enable countries to reduce, to reuse, to recycle and to replace plastics with cleaner **alternatives or substitutes. Unnecessary, avoidable, and problematic plastics, substances and additives should be reduced, eliminated, substituted or banned.**"
(Moldova)



Support research and establishing permitting criteria

"Scientific & technical cooperation component among others should serve for **identification of reliable alternatives** for plastic products and materials."
(Armenia)



"Support research on safe plastic alternatives"
(Australia)



"A Technical Review Committee could be tasked to assess the criteria for the sustainable production and use of plastics and the **availability of alternatives**, set out in the annexes of the instrument and provide recommendations on proposals for possible adjustments of the annexes, or amendments of the instrument (including new annexes)."
(EU)



Standards and restrictions on bio-based, biodegradable and compostable plastics

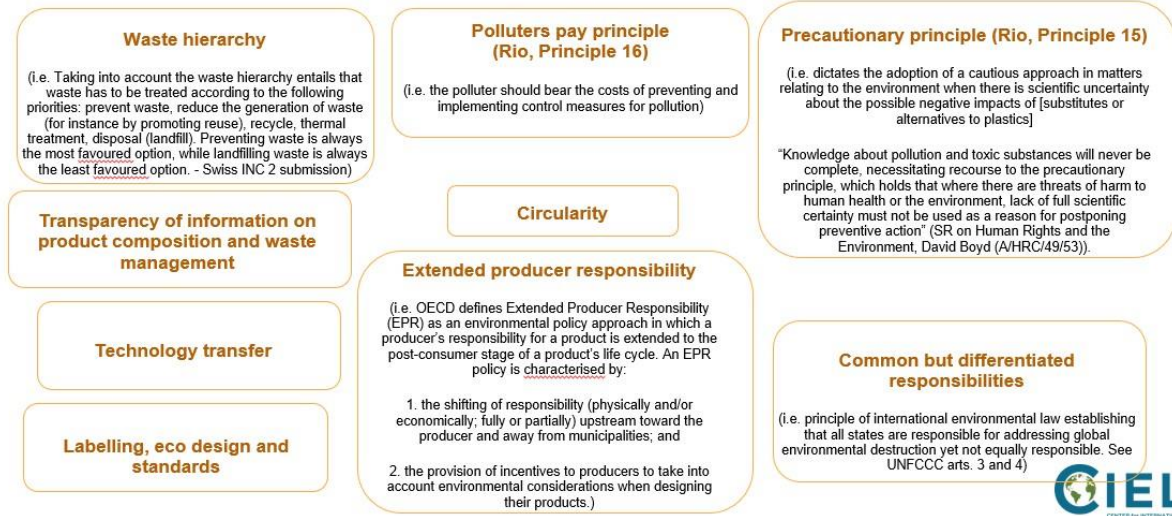
"Introducing **standards and restrictions on the use of bio-based, biodegradable and compostable plastics.**"
"Indeed, biobased plastics are plastics."

"A ban on the use of environmental claim of biodegradability (meaning" in the open environment") by producers (i.e. on packaging) is also needed, as such claim can mislead consumers and trigger the risk that those plastic products are, as a result, disposed in the environment".
(EU)



"Research, Development and Monitoring (inventories, assessment, harmonized methodologies). Parties should be encouraged to monitor plastics at the national and international level, their sources, pathways, emissions, presence, levels and trends in humans and the environment; and to **cooperate in research and development**, including in respect of instrumentation and other techniques for monitoring and measuring presence and levels in humans and the environment. **Life cycle assessments should complement guidance on the ecological impact of plastics and alternative materials**"
(Switzerland)

Other elements mentioned (non exhaustive list)



Thank you

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