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**UNOFFICIAL ROOM DOCUMENT<sup>1</sup>**

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

STATEMENT BY CIEL

*Plenary Meeting – 13 March 2023*

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**DOCUMENT DE SÉANCE NON OFFICIEL<sup>1</sup>**

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## WTO DIALOGUE ON PLASTIC POLLUTION

### CIEL'S WRITTEN STATEMENT

13 March 2023

#### STATEMENT FOR DISTRIBUTION

Your excellencies,  
Ladies and gentlemen,  
Distinguished members of the WTO,

1. Congratulations again for all the work you have accomplished in 2022. In order for 2023 to continue in the same tone, and transition into action for MC13, we would like to highlight a few elements and provide concrete options for the Ministerial Declaration.
2. As evidenced by the mere title of the UNEA resolution mandating the legally binding instrument to tackle the issue of plastic pollution, there is a need to *end* plastic pollution.<sup>2</sup>
3. While working towards that goal, recycling alone will not be enough to solve this problem. In part, because i) recycling perpetuates pollution due to the release of toxins in the environment; ii) very low percentage of plastics can actually be recycled, and iii) even if it can be recycled, the quality of the plastic lessens over time.<sup>3</sup>
4. As a group of scientists said in a paper published last week, “[a]lthough scientists continue to understand better the environmental fate of plastic pollution, **there is consensus** that global increases in **plastic production** result in **dramatic increases in plastic pollution**” (emphasis added).<sup>4</sup> The science is clear: to meaningfully address this environmental and public health crisis, it is fundamental to start regulating plastic production to decrease pollution.
5. In this line, it is essential to transition into a zero-waste path - which is considered to be the way forward.<sup>5</sup> In fact, a few weeks ago, in a Resolution adopted on the 14th of December 2022, the U.N. General Assembly “[e]ncourage[d] Member States, organisations of the United Nations system and **other international and regional organisations** to **implement zero-waste initiatives at all levels**”<sup>6</sup> (emphasis added) and proclaimed the 30th of March as an International Day of Zero Waste, to be observed annually.<sup>7</sup> In a similar tone, the Basel Convention recalls in its Preamble that “the most effective way **of protecting human health**

<sup>2</sup> UNEA, *Resolution adopted by the United Nations Environment Assembly on 2 March 2022, End plastic pollution: towards an international legally binding instrument*, UNEP/PP/OEWG/1/INF/1.

<sup>3</sup> See e.g. CIEL Report, *Plastic & Climate: the hidden costs of a plastic planet*, (May 2019), <https://www.ciel.org/wp-content/uploads/2019/05/Plastic-and-Climate-FINAL-2019.pdf>.

<sup>4</sup> Marcus Eriksen et. all. *A growing plastic smog, now estimated to be over 170 trillion plastic particles afloat in the world's oceans - Urgen solutions required*, PLoS ONE (8 March 2023), <https://journals.plos.org/plosone/article?id=10.1371/journal.pone.0281596>.

<sup>5</sup> CIEL report - Glossary p. ix.

<sup>6</sup> UNGA, *Resolution adopted by the General Assembly on 14 December 2022, Promoting zero-waste initiatives to advance the 2030 Agenda for Sustainable Development*, A/RES/77/161.

<sup>7</sup> UNGA, *Resolution adopted by the General Assembly on 14 December 2022, Promoting zero-waste initiatives to advance the 2030 Agenda for Sustainable Development*, A/RES/77/161.

**and the environment from the dangers posed by wastes** is the reduction of their generation to a **minimum**" (emphasis added).<sup>8</sup>

6. Measures that end the production and use of single use, disposable plastics; measures that stop the development of new oil, gas, and petrochemical infrastructure; measures that foster the transition to zero-waste communities; and ones that adopt and enforce ambitious targets to reduce plastic products are needed to drive the reduction of plastic pollution and transition towards a zero-waste future.
7. Regarding the WTO Dialogue on Plastic Pollution, out of the 75 DPP Members, 23 Members made submissions ahead of the second session of the negotiations of the plastics treaty - including the European Union and the African Group who represent multiple DPP Members but submitted 1 single submission each. Out of those 23 submissions, 16 support the inclusion of a provision that targets the reduction of either production, supply, trade or consumption of plastics precursors, materials and products.<sup>9</sup> DPP Members are encouraged to replicate this level of ambition and target the reduction of production, supply, trade or consumption of plastic precursors, materials and products in the Ministerial Declaration.
8. Another common element found in INC 2 submissions made by DPP members is the need to **ban or reduce production of single-use plastics**.<sup>10</sup> The work of the DPP and the research done by the WTO Secretariat in this direction is of great value, and specific provisions targeting a ban or a commitment to reduce single use plastic products would be key in the Ministerial Declaration, which would consequently **incentivise reusable, 'multi-use' circular replacements**.
9. Additionally, three other elements would be useful to be included in the Ministerial Declaration, namely:
  - 1) A mention of the need to end all trade in plastic waste,
  - 2) The objective and commitment to end the export and import of plastics precursors, materials, products and wastes that are restricted or banned in the exporting or importing countries, or by relevant multilateral environmental agreements.
  - 3) The need to improve country notifications on subsidies to plastics, so we can better understand plastics subsidies and effectively address that issue at the WTO and in the INC process. This is a key element for consideration.
10. Next, regarding, substitutes, alternatives and technologies, it is very important to recall that:
  - 1) The needed replacement is not one of material per material, but in many cases, a replacement of material per service.
  - 2) A big part of the solution is the development of replacement systems, which urgently need to be promoted: for example, through the development of reuse and refill systems, which have demonstrated to be more respectful of the environment, human health and more advantageous from an economic perspective.<sup>11</sup>
  - 3) A large majority of States have mentioned the need to include specific provisions on alternatives or substitutes to plastics and the wish of adding this subject matter as part of the scope of the treaty in their submissions for INC 2.<sup>12</sup> The INC process will have to take

<sup>8</sup> Basel Convention, Preamble, para. 3.

<sup>9</sup> See e.g. pre-session submissions for INC 2 of African Group, Cambodia, China, Colombia, Ecuador, EU, Japan, Mauritius, New Zealand, Norway, Peru, Philippines, Switzerland, Thailand, Tonga, Uruguay.

<sup>10</sup> See e.g. See for example the pre-session submissions for INC 2 of African Group, Australia, Cambodia, Colombia, EU, New Zealand, Philippines, Singapore, Tonga.

<sup>11</sup> ZeroWasteEurope, *Reusable VS single-use packaging: a review of environmental impact*, <https://zerowasteurope.eu/library/reusable-vs-single-use-packaging-a-review-of-environmental-impact/>.

<sup>12</sup> See e.g. pre-session submissions for INC 2 of Africa group, Australia, Cambodia, China, Colombia, EU, Japan, Mauritius, Morocco, New Zealand, Norway, Switzerland, Thailand, Uruguay.

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this on and to establish the criteria, definition and list of the best possible replacement of plastics.

- 4) Regarding technologies for environmentally sound management of plastic waste, the Basel Convention is currently working on a list of technologies to be promoted, which is expected to be established at its approaching BRS COP 16 meeting in early May of this year.
11. It will be essential to coordinate with these processes and ensure that the Ministerial Declaration and the WTO do not prejudge the outcome of the INC process as mentioned by the EU, by establishing environmental definitions or criteria on its own, but rather to coordinate as mentioned by Ecuador, the EU, Switzerland and others, and promote plastic replacements or technologies that follow the criteria and definitions to be established by the INC and the Basel Convention processes.
12. Additionally, it is important to take into account that the treaty will not only address traditional plastics, but will also include bio based, biodegradable and compostable polymers as those are in fact still plastics and cause plastic pollution.<sup>13</sup>
13. Finally, as noted by the DPP in 2021, there is a large amount of unaccounted plastics in the trading system,<sup>14</sup> such as plastic packaging, plastic in products etc. It is therefore crucial to increase efforts into identifying these 'hidden' plastics, to ensure that action steps can be taken. In this context, a suggestion would be to keep working on the amendments of the HS system to include specific codes for plastic precursors, additives, packaging, plastics embedded in the products and importantly, plastic waste. This would strengthen and support the implementation of the Basel Convention. It will also work towards the call to increase transparency and traceability of plastics polymers, products, additives, and wastes present in the INC2 State submissions, including DPP Members.<sup>15</sup>
14. To conclude, the DPP has an opportunity to prepare the groundwork for the arrival of the international legally binding instrument to end plastic pollution. The WTO holds a unique position in the process by having insight into the global international trade of plastics and can therefore provide valuable support to the INC process. Therefore, it would be very useful to reflect the mentioned content in the Ministerial Declaration for MC13, in order to achieve concrete, pragmatic and effective outcomes, as envisioned in the DPP's Declaration of MC12.

Thank you very much for your time and attention.

Please accept, Excellencies and colleagues, the assurances of our highest consideration.

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<sup>13</sup> See e.g. EU submission for the UNEP INC2 pre-session submissions, <https://wedocs.unep.org/bitstream/handle/20.500.11822/41793/EUsubmission.pdf?sequence=1&isAllowed=y>; See also Jan-Georg Rosenboom, Robert Langer, and Giovanni Traverso, *Bioplastics for a circular economy*, Nature Reviews Materials 7, 117-137 (2022); CIEL, *Plastic & Climate: the hidden costs of a plastic planet*, (May 2019), <https://www.ciel.org/wp-content/uploads/2019/05/Plastic-and-Climate-FINAL-2019.pdf>, at p. 24, 84.

<sup>14</sup> WTO Informal Dialogue on Plastic Pollution and Environmentally Sustainable Plastic Trade, *Ministerial Statement on Plastic Pollution and Environmentally Sustainable Plastic Trade*, (10 December 2021) WT/MIN(21)/8/Rev.2: "Noting that recent research by the United Nations Conference on Trade and Development (UNCTAD) indicates trade in plastics accounts for as much as 5 % of global trade – or more than 1 trillion US dollars in 2019 – almost 40% higher than previously estimated, **with more trade in plastics still unaccounted.**" (emphasis added).

<sup>15</sup> See e.g. pre-session submissions for INC 2 of Africa Group, Australia, EU, Morocco, Philippines, UK.